

January 22, 2008



TRANSCRIPT
January 22, 2008

MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Michael Knapp, President	Councilmember Phil Andrews, Vice-President
Councilmember Roger Berliner	Councilmember Marc Elrich
Councilmember Valerie Ervin	Councilmember Nancy Floreen
Councilmember George Leventhal	Councilmember Marilyn Praisner
Councilmember Duchy Trachtenberg	



January 22, 2008

1 Council President Knapp,

2 Good morning everyone. Welcome. We apologize for being a little bit late. We had a
3 closed session that went a little bit long this morning. We will begin this morning with an
4 invocation by Rabbi Stuart Weinblatt from B'nai Tzedek in Potomac. Would you all
5 please rise?

6
7 Stuart Weinblatt,

8 Ladies and gentlemen, today is the first session after the commemoration of Martin
9 Luther King Jr. Day. And so our thoughts are rightly focused on his call. To create a just
10 society based upon the principles of righteousness, of justice, of freedom and of
11 equality. He had the audacity to work for a nation in which all would have a chance to
12 partake of and to share in the American dream. And my friends, today is also a holiday
13 on the Jewish calendar. It is Tu B'Shevat. The birthday of the trees. A day created some
14 2,000 years ago to remind us of our sacred obligation to care for the earth and for the
15 environment entrusted to us for our safekeeping. And so with the current mergence of
16 these two days, I humbly offer a prayer, words of inspiration for the members of our
17 County Council. We, the citizens, are grateful to you for your efforts on behalf of all of
18 us, for your work to create a community in which we can all be truly proud. We pray
19 dear God as you grapple with issues which affect the quality of our lives that you will be
20 guided by the message of Dr. King and those great leaders our nation has produced
21 which call upon us to strive to live up to the ideals of the best within each of us. May you
22 plant the seeds which will lead to a society whose roots are firmly planted in the
23 principle of justice and whose branches spread out so that the blessings of this great
24 country are enjoyed by all its citizens. For then, in the words of one of Dr. King's favorite
25 passages from the prophets, shall come to pass. [INAUDIBLE]. Let justice roll down like
26 water and righteousness like a mighty stream so may it come to pass. And on this day.
27 Amen.

28
29 Council President Knapp,
30 Amen.

31
32 Councilmember Leventhal,

33 Mr. President. I just want to say (INAUDIBLE) – to Rabbi Weinblatt. It's good to have
34 him here. I know, and others may not, in addition to being the very popular leader of
35 B'nai Tzedek congregation in Potomac he worked his way through the University of
36 Maryland as a standup comedian. [laughter].

37
38 Councilmember Trachtenberg,
39 Still has that sense of humor --.

40
41 Councilmember Leventhal,

42 And his sermons are always very entertaining and as we heard today, very thought-
43 provoking and intellectual. So we are glad to have him here with us.



January 22, 2008

1 Stuart Weinblatt,
2 Thank you.

3
4 Council President Knapp,
5 Thank you very much for joining us and thank you for reminding us of yesterday's
6 holiday. It was a wonderful day. There were many, many events that took place
7 throughout the County and I commend everyone who took part in the day of community
8 and service and all those people who organized and coordinated the efforts. There were
9 many, many activities that took place. And it was a fabulous day. And so I thank
10 everyone and it was a wonderful holiday indeed. We now turn to our first presentation
11 this morning. It is a proclamation presented by Councilmember Praisner in recognition
12 of the Department of Public Works and Transportation's Division of Solid Waste
13 Services, recipient of Solid Waste Association of North America Waste Reduction,
14 Recycling and Composting Division's Recycling Systems, Gold Excellence Award for
15 2007.

16
17 Councilmember Praisner,
18 That was longer than -- .

19
20 Council President Knapp,
21 It was. It was quite a title.

22
23 Councilmember Praisner,
24 I would invite those who are here from both the State Environmental Service, Secretary
25 Harkins, and Art Holmes, and Dan Locke and those from the Solid Waste Division to
26 join us as well. I think it is important each time we have within our County, departments
27 of County government who excel, that we recognize them, just as we did with the
28 Department of Corrections recently. And this also gives us an opportunity to highlight
29 the partnership with the state through the Maryland Environmental Service which does a
30 significant part of this, a significant part of this recognition. And I am glad that folks from
31 the state, including Jim Harkins, my good friend, former County Executive of Hartford
32 County, could join us, former MACO President as well could join us. Did you ride your
33 Harley here?

34
35 Jim Harkins,
36 No.

37
38 Councilmember Praisner,
39 Okay.

40
41 Jim Harkins,
42 A little cold today.

43
44 Councilmember Praisner,



January 22, 2008

1 A little cold. So, I'm going to read the Proclamation and then ask Dan and Jim to accept
2 and to comment on behalf of your units. Whereas the mission of the Montgomery
3 County Solid Waste Services Division is to manage the County's municipal solid waste
4 in an environmentally and economically sound manner; and. Whereas the County's goal
5 is to recycle 50 percent of the municipal solid waste stream through an integrated solid
6 waste management system that includes waste reduction, reuse and recycling; and
7 Whereas for more than 40 years, the Solid Waste Association of North America
8 (SWANA) has been the leading professional association in the solid waste management
9 field, serving more than 8,000 members and thousands more industry professionals
10 with technical conferences, certifications, publications and a large offering of technical
11 training courses; and. Whereas the Materials Recovery Facility, which is operated by
12 the Maryland Environmental Service in partnership with the County, has an exemplary
13 safety record and is managed in an environmentally responsible manner, and. Whereas
14 in Fiscal Year 2007, Montgomery County's Materials Recovery Facility and its 40
15 employees handled approximately 104,000 tons of mixed paper and commingled
16 recyclables, accrued approximately \$3.4 million in revenue from commingled materials
17 (nearly \$185,000 more than the facility's operating expenses), way to go, provided high
18 quality customer service, recycling education and offered tours to 4,576 visitors
19 including the Praisner grandchildren who had a wonderful time. Now, therefore, be it
20 resolved that the County Council of Montgomery County, Maryland hereby
21 congratulates the Maryland Environmental Service and the Montgomery County
22 Department of Public Works and Transportation, Division of Solid Waste Services for
23 maintaining standards at the highest national levels as recognized by the Solid Waste
24 Association of North America Waste Reduction, Recycling and Composting Division's
25 Recycling Systems' 2007 Gold Excellence Award. And it's signed this 22nd day of
26 January by our Council President Mike Knapp. And I would like to give one of these to
27 Dan and one to Jim. So that you each have a copy of our proclamation. And I would like
28 everyone to introduce themselves please starting with Art Holmes.

29
30 Art Holmes,

31 I'm Art Holmes, Director of Public Works and Transportation in the County.

32
33 Dan Locke,

34 I'm Dan Locke, Chief of Solid Waste Services.

35
36 Peter Karasik,

37 Peter Karasik, Section Chief for Central Operations and Solid Waste Services.

38
39 Tom Kuster,

40 Tom Kuster, Accounting Manager for the Recycling Center.

41
42 Mack Gibson,

43 Mack, excuse me, Mack Gibson, Chief of Solid Waste Operations for Maryland
44 Environmental Service.



January 22, 2008

1
2 Steve Tomczewski,
3 Steve Tomczewski, I'm the Executive Director for Solid Waste for MES.

4
5 Ken Shuman,
6 Ken Shuman, I'm the Operations Manager for MES.

7
8 Jim Harkins,
9 And I'm Jim Harkins, I'm the Director of the Maryland Environmental Service.

10
11 Councilmember Praisner,
12 Thank you. Dan did you want to say something?

13
14 Dan Locke,
15 Yeah. I'd like to, we really appreciate the recognition Councilmember Praisner, the,
16 MRF is one of our crown jewels on our solid waste facilities and really a lot of the credit
17 for our day-to-day performance goes to MES and Tom Kuster, our Site Manager. So,
18 thank you very much.

19
20 Councilmember Praisner,
21 Quite welcome. Jim.

22
23 Jim Harkins,
24 Well, I can't say enough about, thank you, about your leadership team here in
25 Montgomery County, with very exacting standards, they hold us to high standards and it
26 is a partnership that we very much enjoy and we enjoy the leadership of Dan as well as
27 the rest of the team. So, on behalf of the MES employees who work in partnership with
28 our partner, it is a great honor to be able to win this award for you. Our hardworking
29 folks, you know we take great pride in their work. And today is really a crowning day for
30 that. So thank you all very much for recognizing this. [applause].

31
32 Neil Greenberger,
33 Could I just get everybody to move in a little? [INAUDIBLE MULTIPLE BACKGROUND
34 SPEAKERS] Thank you. Thank you.

35
36 Unidentified
37 Thank you.

38
39 Councilmember Praisner,
40 Good to see you again.

41
42 Unidentified
43 Thank you.



January 22, 2008

1 Councilmember Praisner,
2 Good to see you again.

3
4 Unidentified
5 Likewise, likewise.

6
7 Council President Knapp,
8 Congratulations DPWT and thank you, Ms. Praisner. Our second presentation is a
9 Proclamation in recognition of the work of Reaching Out to Others Together, or ROOT,
10 organization and their work for non-violence, anti-gun campaigns by Councilmember
11 Trachtenberg.

12
13 Councilmember Trachtenberg,
14 I am actually going to ask those that are here today to receive this to join me in the
15 front. And I am also going to ask colleagues who want to join me, to join me as well. I'd
16 like some collegial support as I present this this morning. I think all of us are aware of
17 the enormous problem that exists in communities across this country around gun
18 violence, specifically gun violence that young people are involved in. In fact, very much
19 it's considered an epidemic in the public health community. Actually, 47% of gun crimes
20 in this country are committed by youth between the ages of 18 and, I believe, 22. And I
21 think that is a telling statistic. And clearly those numbers have continued to be increased
22 and this morning I have asked folks from the ROOT organization, again an organization,
23 a grass-roots organization that works both in D.C. and Maryland to join us. I want to
24 recognize the epidemic of gun violence but I also want to recognize the tremendous
25 commitment that these folks have made in working here in communities around the
26 issue of gun violence. So, before we hear from Kevin Dwyer, who is with us this
27 morning, who is a friend and an advocate around a number of issues, not just gun
28 violence but also mental health. And I know we have Kenny Barnes with us this morning
29 as well, who actually is the founder of ROOTS and actually lost a child, a son, to gun
30 violence. I have asked both of them to be here and my colleagues again to help me
31 read the proclamation. Whereas, Reaching Out to Others Together (ROOTS), a
32 nonprofit organization founded in 2002, in June, by Kenneth Barnes, Sr., in response to
33 his son's murder, is committed to advocacy, awareness, and education, to reduce the
34 number of incidents of youth violence and gun violence perpetrated by and against
35 youth.

36
37 Councilmember Ervin,
38 Oh, you know I don't have my glasses on. [laughter] Nancy will read --.

39
40 Councilmember Trachtenberg,
41 Right.

42
43 Councilmember Floreen,



January 22, 2008

1 And, whereas ROOT motivates and mobilizes communities to take a proactive
2 approach to reducing homicides and senseless gun violence.

3
4 Councilmember Elrich,
5 Where are we?

6
7 Councilmember Floreen,
8 Right here. And.

9
10 Councilmember Elrich,
11 And I have laser eye surgery. [laughter]. And whereas, ROOTS seeks to create a
12 collaborative effort between Maryland and the District of Columbia and Virginia to
13 reduce gun related violence and youth violence.

14
15 Councilmember Trachtenberg,
16 Okay, and whereas, nationally, youth ages 17 and under are associated with more than
17 10 percent of gun related crime; 18-to-24 year-olds are associated with slightly more
18 than 47 percent of gun crimes; and the second-leading cause of death for Americans
19 between the ages of 15 and 24 is death by gun violence; and. Whereas, an estimated
20 150,000 people annually in the U.S. are treated in hospital emergency rooms for
21 nonfatal gun-related injuries and approximately 80,000 require admission for in-patient
22 care, costing an estimated \$4 billion each year in indirect medical costs; and whereas.

23
24 Councilmember Floreen,
25 And whereas, Kevin Dwyer, founding member of ROOT, and others have established a
26 national ROOT "Blue Ribbon Task Force Against Youth Violence" that is working with
27 members of Congress to establish a grant program focused on urban regions to
28 address gun and general youth violence. Now you get the big part here.

29
30 Councilmember Elrich,
31 Now, therefore be it resolved that the County Council of Montgomery County, Maryland,
32 hereby salutes the efforts of Reaching Out to Others Together (ROOTS) organization.
33 And be it further resolved that the County Council urges all Montgomery County
34 residents to participate in non-violence and anti-gun campaigns to protect our
35 communities.

36
37 Councilmember Trachtenberg,
38 Okay. Well thank you very much. And I also want to read the last line which is that the
39 Council urges everyone, all residents of the County, to participate in non-violence
40 campaigns to protect our communities. And with that, I'm going to let Neil take some
41 official photos and then I am going to ask those of us that have joined us today to
42 introduce themselves. And if both Kevin and Kenny want to make some remarks briefly,
43 please do so.



January 22, 2008

1 Neil Greenberger,
2 Several. Here we go. Just a few more. That's good. One big smile. Yeah. That's good.
3 Okay. Thank you.

4
5 Councilmember Trachtenberg,
6 Thank you very much. Please start by introducing.

7
8 Ava Harrison,
9 Sure. Good morning everyone. I'm Ava Harrison, Chief Operating Officer for ROOT
10 Incorporated.

11
12 Kevin Dwyer,
13 I am Kevin Dwyer, the, I guess Chair of the Board for ROOT.

14
15 Kenny Barnes,
16 My name is Kenny Barnes.

17
18 Franklin Tucker,
19 Franklin Tucker, Technical Assistance Adviser.

20
21 Kevin Dwyer,
22 Okay. I think I am going to let Kenny speak but I think the reason that I got involved in
23 ROOT is because I saw almost every day in the newspaper another example of the
24 death of a young person in our communities. And I think our whole community, I look at
25 us as an urban area in our communities. And that this, this can be stopped if we work
26 together and we look at it as a public health education approach rather than just a
27 criminal approach to addressing these issues from the time children are born all the way
28 through their lives. And I think that we can do that. And ROOT was the example that led
29 me into joining them over a year ago. Kenny.

30
31 Kenny Barnes,
32 Thank you. Thank you, Councilmember and thank you Council. It is an honor to be
33 here. Probably the worst thing that can happen to an individual is to lose a child in so
34 tragic a manner. But my story is not unique. It is happening so often, not only in
35 Washington and the Washington Metropolitan area, but throughout the United States of
36 America. So we are honored to be here today to accept this proclamation and
37 furthermore to announce that on February 4th, we are honored that we will be with
38 Councilmember Albert Wynn of Maryland.

39
40 Kevin Dwyer,
41 Congressman.

42
43 Kenny Barnes,



January 22, 2008

1 Oh, I'm sorry. Congressman, Councilmember, Congressman Albert Wynn of Maryland,
2 where we will be introducing legislation by the congress to address the epidemic of gun
3 violence that is facing us throughout the United States of America today. And please
4 understand, for those of you who respect the second amendment, it is not about second
5 amendment issues, it is not about the right to bear arms, it is about the prevalence of
6 gun violence. So again, Councilmember Trachtenberg, thank you so very much for
7 honoring us and we are honored to be here.

8
9 Councilmember Trachtenberg,
10 Thank you very much. [applause]. Thank you.

11
12 Council President Knapp,
13 Thank you very much, thank you, Councilmember Trachtenberg. We now turn to
14 General Business, Ms. Lauer.

15
16 Linda Lauer,
17 We have two changes to the Consent Calendar this morning. Item C is the Introduction
18 of a special appropriation for the Schools. We were notified they called and had a
19 revision. And so the amount originally submitted, it's \$300,000 and the source is
20 contributions only. We have added an item, Introduction of a resolution regarding use of
21 the Housing Initiative Fund for Advance Land Acquisitions sponsored by
22 Councilmembers Praisner, Floreen and Leventhal. Thank you.

23
24 Council President Knapp,
25 Thank you very much.

26
27 Linda Lauer,
28 Mr. Elrich, are you, are we adding you as sponsor for this resolution on the Housing
29 Initiative Fund? Thank you.

30
31 Council President Knapp,
32 So, on behalf of the Committee and Mr. Leventhal. Okay.

33
34 Linda Lauer,
35 Thanks.

36
37 Council President Knapp,
38 Thank you very much. Madam Clerk, do we have any Minutes to approve?

39
40 Council Clerk,
41 You have the Minutes of December 11th, 2007 for approval.

42
43 Council President Knapp,
44 Is there a motion?



January 22, 2008

1
2 Councilmember Trachtenberg,
3 So moved.

4
5 Council President Knapp,
6 Moved by Councilmember Trachtenberg, seconded by Councilmember Ervin. All in
7 favor of the Minutes of December 11th? That is unanimous among those present.
8 Thank you very much. We have the Consent Calendar before us. Is there a motion to
9 approve the Consent Calendar?

10
11 Councilmember Andrews,
12 So moved.

13
14 Councilmember Praisner,
15 Move approval.

16
17 Council President Knapp,
18 Moved by Vice-President Andrews and seconded by Councilmember Praisner. Are
19 there any comments? I have just one. I wanted to thank the Office of Legislative
20 Oversight for their efforts in the development of a report that we will receive in the
21 Education Committee next week in defining and describing Montgomery County Public
22 Schools' progress in closing the achievement gap. This is an issue that has been of
23 significant discussion over the last few budgets and in our County and community more
24 broadly. And I think it is just one more step in us better understanding what is that we
25 need to continue to make our school system a great school system. And I would also
26 like to add my name as a cosponsor to item J, the resolution regarding use of the
27 Housing Initiative Fund for Advanced Land Acquisitions as introduced by the PHED
28 Committee and Councilmember Leventhal. I see no other comments. All in favor of the
29 Consent Calendar? Please indicate. That is unanimous among those present. Thank
30 you very much. We now turn to District Council Session. We have before us Action on
31 Consideration of Hearing Examiner's Report and Recommendations for Application
32 Number G-860. Welcome, Mr. Grossman.

33
34 Marty Grossman,
35 Good morning Mr. President. Some good news. This presentation will not take four
36 hours. There is no real issue about whether this site is appropriate for the requested
37 rezoning to the TS-M Zone. It clearly is. The site is recommended for the TS-M Zone in
38 the White Flint sector plan of the North Bethesda, Garrett Park Master Plan. The
39 development plan itself has been praised by the Washington Smart Growth Alliance as
40 a smart growth project and "an excellent example of redeveloping older suburban strip
41 centers and creation of great walkable places." There is no opposition. The only
42 question arises from the Planning Board's recommendation. Though recommending
43 approval, also asked that two of the binding elements be changed because they
44 contained a limitation on density and height. I concluded that the basis for the Planning



January 22, 2008

1 Board's reservation is that they are considering changes to the current White Flint
2 sector plan which would allow greater density and height. Those changes have not yet
3 been approved. And I concluded that we must be governed by the plan that exists right
4 now, the sector plan that exists right now, not by one that has not yet been approved.
5 To paraphrase a former, not so beloved Secretary of Defense, you have to go to zoning
6 with a sector plan you have, not with the one you might wish to have. And so, if there in
7 fact is a change in the sector plan later that can be a development plan amendment,
8 and that would solve the problem. I recommend that the development plan and the
9 rezoning as proposed, be approved.

10
11 Council President Knapp,
12 Thank you very much. Are there any comments? I see no comments. Is there a motion
13 to accept the Hearing Examiner's Report and Recommendation?

14
15 Councilmember Praisner,
16 So moved.

17
18 Council President Knapp,
19 Moved by Councilmember Praisner, seconded by Councilmember Ervin. We have a roll
20 call vote. Madam Clerk, if you will, call the roll.

21
22 Council Clerk,
23 Mr. Elrich.

24
25 Councilmember Elrich,
26 Yes.

27
28 Council Clerk,
29 Ms. Ervin.

30
31 Councilmember Ervin,
32 Yes.

33
34 Council Clerk,
35 Ms. Floreen.

36
37 Councilmember Floreen,
38 Yes.

39
40 Council Clerk,
41 Ms. Trachtenberg.

42
43 Councilmember Trachtenberg,
44 Yes.



January 22, 2008

1
2 Council Clerk,
3 Ms. Praisner.
4
5 Councilmember Praisner,
6 Yes.
7
8 Council Clerk,
9 Mr. Berliner.
10
11 Councilmember Berliner,
12 Yes.
13
14 Council Clerk,
15 Mr. Andrews.
16
17 Councilmember Andrews,
18 Yes.
19
20 Council Clerk,
21 Mr. Knapp.
22
23 Council President Knapp,
24 Yes. The motion carries 8-0. Thank you very much.
25
26 Marty Grossman,
27 Thank you sir.
28
29 Council President Knapp,
30 You're right, that didn't take four hours. That barely took four minutes.
31
32 Councilmember Floreen,
33 [laughter] Thank you for the brevity of your --.
34
35 Council President Knapp,
36 We now turn to Action, a Request for Oral Argument and/or Consideration of the
37 Hearing Examiner's Report and Recommendations for Application Number G-861. Ms.
38 Carrier.
39
40 Francoise Carrier,
41 Good morning.
42
43 Council President Knapp,
44 Good morning.



January 22, 2008

Francoise Carrier,

This case comes to you with recommendations of approval from staff and the Planning Board. I recommended a remand on grounds that I felt the plan as proposed was not substantially in compliance with the sector plan and would not be compatible with the surrounding area. But it is my feeling that there is a great deal of merit to the concept and I recommended a remand to give the applicant a chance to revise their plans. You now have requests for Oral Argument from the People's Counsel and from the Montgomery County Civic Federation. The Civic Federation believes that the application should be denied for failure to comply with the sector plan. The People's Counsel letter did not explicitly recommend denial but suggested denial might be appropriate. And it stated specific grounds for a remand if the Council should vote for remand. There is also a letter from applicant's counsel in the record, basically consenting to a remand. And I will be happy to address any questions Councilmembers may have. [INAUDIBLE].

Council President Knapp,

We have a motion by Councilmember Elrich to remand, seconded by Councilmember Leventhal.

Jeff Zyontz,

Excuse me. What are the grounds, do you want to limit them specifically?

Francoise Carrier,

One particular question would be in the People's Counsel's letter, he adds some grounds that are, some things that are more specific than what I stated. And so I would, if the Council has any guidance to give on those items, I think that would be helpful to future proceedings.

Council President Knapp,

Okay. We have a number of comments and questions. I would turn first to the maker of the motion for clarification on the motion.

Councilmember Elrich,

I would rather have the broadest possible grounds for discussion rather than the narrowest grounds for discussion. So if People's Counsel feels there are other issues, I would like it cast broadly.

Francoise Carrier,

I would say that the People's Counsel has resisted three issues. One was that he states the development plan should provide for public access to the Crescent Trail to satisfy the purpose clause of the PD Zone in the sector plan. I, on this point, agreed with the applicant and technical staff. In my view, the sector plan does not require public access through this property to the trail. I am interpreting the People's Counsel's words. He is



January 22, 2008

1 present. I don't even know if he is allowed to speak, probably not.

2
3 Councilmember Andrews
4 Circle 2 right?

5
6 Council President Knapp,
7 Circle 2. Right. Circle 2 in the packet.

8
9 Francoise Carrier,
10 It's Circle 2 in the packet. I believe what he is looking for is for Council to provide
11 direction that there should be a finding that public access is required to the trail. The
12 issue would certainly be among the issues that would come up under remand anyway if
13 the remand is based on sector plan compliance, the applicant would, you know, make
14 their position and the opposition would be free to make their arguments and maybe they
15 change my mind and maybe you all wouldn't agree with me in the end. The issue is on
16 the table either way. I don't know if the Council chooses to, at this stage, provide
17 specific direction on that interpretation issue.

18
19 Council President Knapp,
20 So, do I interpret the maker of the motion to suggest that the three elements outlined by
21 the People's Counsel as the three elements for remand, for consideration of the
22 remand?

23
24 Councilmember Elrich,
25 I'd like, yes.

26
27 Francoise Carrier,
28 I thought that what Mr. Elrich suggested was to add to them to what I said, not to
29 replace.

30
31 Council President Knapp,
32 Yes, Okay to add. Okay.

33
34 Francoise Carrier,
35 Because what I had said was quite broadly phrased. I didn't limit them on what
36 additional evidence they were going to bring.

37
38 Jeff Zyontz,
39 The two broadest issues are master plan compliance and compatibility in its most
40 generic sense.

41
42 Council President Knapp,
43 Okay.



January 22, 2008

1 Jeff Zyontz,

2 So, if you, if those are the grounds, plus the three specific things here, I think that gives
3 people a basis to argue.

4
5 Council President Knapp,
6 That consistent?

7
8 Councilmember Elrich,
9 That satisfies, yeah.

10
11 Council President Knapp,
12 Is that consistent with the second?

13
14 Councilmember Leventhal,
15 Well, yes, I agree that the items mentioned in the Hearing Examiner's Resolution, as
16 well as the items recommended by the People's Counsel should be addressed in the
17 remand. And I guess I am interested also just in general compliance with the master
18 plan. Could we add that as well?

19
20 Council President Knapp
21 That is.

22
23 Francoise Carrier,
24 That is in there.

25
26 Council President Knapp,
27 Okay. Alright. So, we have a motion before us. Now we have comments?
28 Councilmember Floreen.

29
30 Councilmember Floreen,
31 Well, back to that point, I was happy with the way the Hearing Examiner had described
32 the remand. It would be inclusive of all kinds of things, as I gathered.

33
34 Francoise Carrier,
35 Yes.

36
37 Councilmember Floreen,
38 Because he raised a lot of issues, in your opinion. And there clearly are some nuts to
39 crack here or resolve one way or the other. And I am just trying to understand what, I
40 was interested in the issues raised by the People's Counsel. But what I am not clear
41 about is, if we identify those issues to be discussed, does that mean that we have
42 thereby said, for example, that there must be a 100-foot setback from the rear property
43 line? Is that the intention?



January 22, 2008

1 Francoise Carrier,
2 It depends on how it's phrased.

3
4 Councilmember Floreen,
5 Well, excuse me, I would like to know from my colleagues, is that the intention of the
6 motion? I thought you.

7
8 Councilmember Elrich,
9 The intention was to discuss it.

10
11 Councilmember Floreen,
12 To discuss it. But not to say that the Council says that that is, that must be the
13 resolution. Because the question is, we are giving direction to them.

14
15 Councilmember Elrich,
16 Right.

17
18 Councilmember Floreen,
19 The counsel, the People's Counsel has identified.

20
21 Councilmember Leventhal,
22 You're reading the sentence in Marty Klauber's letter.

23
24 Councilmember Floreen,
25 Yeah.

26
27 Councilmember Leventhal,
28 And asking whether we're insisting that the 100-foot setback.

29
30 Councilmember Floreen,
31 Yeah, that's my question.

32
33 Councilmember Leventhal,
34 It's an excellent question and I would state that I agree with Mr. Elrich on this, that the
35 Hearing Examiner should make her judgment as to whether the master plan requires
36 such a setback. So that that is something that could be, that should be addressed in the
37 remand and then we would look to the Hearing Examiner as to whether she finds this is
38 substantially in compliance.

39
40 Councilmember Floreen,
41 And I think the Hearing Examiner would like us to weigh in on this particular point. And,
42 are you saying that your motion then would say well, talk about this and work it out but
43 not that we have resolved that point, likewise with the other points. Is that. Okay. Fine. I



January 22, 2008

1 just wanted to clarify that. I have some personal views on that, but I'd rather that it went
2 through the remand process.

3
4 Councilmember Elrich,
5 Okay.

6
7 Councilmember Floreen,
8 Fine. Thank you. Okay.

9
10 Francoise Carrier,
11 The only thing that Mr.

12
13 Councilmember Floreen,
14 I third the motion.

15
16 Francoise Carrier,
17 The only issue that Mr. Klauber's letter would add that is not necessarily covered by the
18 two that I stated is his second point which is requiring evidence about how a mid-block
19 traffic signal would impact traffic conditions. I believe the resolution.

20
21 Councilmember Floreen,
22 You have said that in your action language.

23
24 Francoise Carrier,
25 Okay.

26
27 Unidentified
28 It seems to me.

29
30 Francoise Carrier,
31 I thought I had added it but I didn't have that in front of me.

32
33 Councilmember Floreen,
34 Well, it is your recommendation for remand.

35
36 Francoise Carrier,
37 Okay. Good.

38
39 Councilmember Floreen,
40 So, that's already done.

41
42 Francoise Carrier,
43 Alright then that's covered.



January 22, 2008

1 Councilmember Floreen,

2 As long as that is understood, these are all points to be part of the continuing
3 conversation.

4
5 Council President Knapp,
6 Councilmember Praisner?

7
8 Councilmember Praisner,

9 Well, I think this is a close call for remand and pretty close to a denial as well, given the
10 language in the master plan and the proposal in front of us and the major issues that
11 are not resolved with the plan that's here. I disagree strongly with the Planning Chair
12 that these things should not be, I think the comments that he makes about doing
13 illustrative, I think we have had numerous conversations about the rezoning and what
14 should be illustrative and what should be specific. And I think the direction is more
15 specific than illustrative. And when there are binding elements, I think the Planning
16 Board should not be playing in them, whatever it might be. Finally, I think the Arlington
17 Road issue is a significant issue, especially given the problems there, but they are
18 exacerbated by the uses that are, the use, or one of the uses and the intent over the
19 long run for this site. So I will go along with remand, but it is a high hurdle that this
20 recommendation will have to justify, in my mind, before I will vote for approval once the
21 remand and the materials come back to us. Just one comment, on Circle 71, there is a
22 typo in that the number of units proposed for the site say there in the last paragraph,
23 says 11 instead of 111.

24
25 Francoise Carrier,
26 Yes I think I issued an errata statement.

27
28 Councilmember Praisner,
29 Is that in it? I didn't catch that one.

30
31 Francoise Carrier,
32 Because Mr. Humphrey was kind enough to point that out.

33
34 Councilmember Praisner,
35 Okay. Alright, thank you.

36
37 Council President Knapp,
38 Councilmember Berliner.

39
40 Councilmember Berliner,
41 I wanted to return momentarily to the question of denial versus the request for Oral
42 Argument, which is a separate freestanding request to discuss the possibility of denial
43 as I appreciated the request. If this were to be denied, your view, as I appreciate it, is
44 that if we were voting up or down today on this project, your recommendation would



January 22, 2008

1 have been, I presume, to deny this project as presented. You believe that there is a
2 possibility that it could be reformed in a manner that would allow you to make a
3 recommendation to us to go forward with it.

4
5 Francoise Carrier,
6 Correct.

7
8 Councilmember Berliner,
9 Insofar as they appear to have failed to have satisfied the legal standard that exists with
10 respect to the application in and of itself, the question I have is this issue of rejection
11 versus modification. So I would appreciate staff as well as yourself opining on that, that
12 when an application comes before you that does not meet the legal standards, as I
13 believe it is fair to say, you have concluded this application does not. When is rejection
14 appropriate as opposed to remand? Is it because you believe that there is the potential
15 that for remand? But that would be true, it would seem to me, almost in any situation.

16
17 Francoise Carrier,
18 Well, there are cases where the proposal is so far from, in my view, meeting the legal
19 requirements for approval that I have recommended denial. Sometimes it is on legal
20 grounds, that they simply don't meet a standard for the zone and cannot meet it.
21 Sometimes it is a compatibility issue, that there is sort of a fundamental discordance
22 that I feel would not be cured by any reformatting of the application. I recommend a
23 remand when I feel that there is merit to the concept behind the rezoning and that it
24 could be in the public interest to have that zone on the site but with a different
25 development plan. And I guess that is where, that's the distinction that I made. The
26 zone appears to be appropriate if it is done in a way that matches the general character
27 and the specific recommendations of the sector plan and is compatible with the
28 neighborhood. The way the sector plan envisioned the development of this site
29 suggests that it's possible to use this site for a dual commercial and residential purpose.
30 This applicant is combining, proposing to combine two uses the sector plan did not
31 envision being combined. So when they, so I think it would take some work to change
32 this plan in a way that will work, whether this applicant will be interested in doing that or
33 not, you know, they seem to have indicated a willingness to do that in their letter. That is
34 always a question I have when I recommend remand. Is it going to result in the
35 applicant saying that was all I was willing to do, I am not interested in reformatting this?
36 And as you say, in my view, if it was going to be up or down, I would have to say down.
37 Because I feel this is too big a departure from the sector plan and the PD Zone really
38 requires substantial compliance with the sector plan. If it were a different kind of zone, I
39 might have said this doesn't really fit the sector plan but the sector plan is just a guide
40 and the Council can follow the judgment of the Planning Board in saying this is okay. In
41 the PD Zone, I am much more reluctant to do that because the language of the zone
42 really ties it quite strongly to the master plan or sector plan recommendations.

43
44 Councilmember Berliner,



January 22, 2008

1 I appreciate that.

2
3 Francoise Carrier,
4 Does that help?

5
6 Councilmember Berliner,
7 It does help, thank you.

8
9 Francoise Carrier,
10 I don't know if you have something you wanted to add.

11
12 Councilmember Berliner,
13 Jeff did you have?

14
15 Jeff Zyontz,
16 Just one thing. If you deny, there is a period of time that the applicant can't reapply. So
17 there is sort of a penalty of three years.

18
19 Francoise Carrier,
20 In fact, no one can. No one can seek this zone, for this property, for three years if it is
21 denied.

22
23 Councilmember Berliner,
24 I typically would prefer to have an up or down vote on an application when it is in its,
25 best form it can be before us and then decide as I hear my colleagues saying, as to
26 whether or not it is in its best form, satisfactory. So my inclination is to be supportive of
27 the remand but I did feel, like my colleague, that this was a close call in the context of
28 an applicant failing to have met what I perceived to be its legal duty in terms of, or its
29 obligations with respect to this. Let me raise an issue that I know is near and dear to
30 my, the sponsor of the motion, and that is the green piece with respect to this, which
31 was not identified, I believe, in remand, but it was raised in your report as something
32 that the Council as a matter of public policy could change its mind with respect to. Here,
33 50% of the area is, as I appreciate it, supposed to be for a green area.

34
35 Francoise Carrier,
36 Correct.

37
38 Councilmember Berliner,
39 And the way in which this applicant has proposed it and appeared to get positive
40 feedback from a number of parties, was the terraces will be green.

41
42 Francoise Carrier,
43 Correct.



January 22, 2008

1 Councilmember Berliner,
2 And those terraces don't front Arlington Boulevard as a matter, they are on --.

3
4 Francoise Carrier,
5 They do sort of, but 18 feet up in the air. They are not at grade level.

6
7 Councilmember Berliner,
8 But you're finding, you seem to have a question as to whether or not Park and
9 Planning's interpretation was correct. I found your wording with respect to this to be
10 quite careful.

11
12 Francoise Carrier,
13 It was.

14
15 Councilmember Berliner,
16 It was. Would you care to elaborate on your wording with respect to that?

17
18 Francoise Carrier,
19 If I were taking it as a basic question of legal interpretation, I would have to think long
20 and hard about how the language of this very long, rather complicated definition works
21 together. Under the circumstances we have, where the agency that interprets terms like
22 green space, open space, public use space, we have, have always been left for
23 interpretation at site plan. That is a fairly longstanding policy to my knowledge. We had
24 a recent zoning case that went up on appeal. And one of the issues was whether the
25 Council was authorized not to delve into the details of whether a certain type of space
26 qualified as public use space versus the, I guess it was the passive, active-passive
27 recreation space. Whether the Council, whether it was permissible for the Council to
28 have made a decision, it was a development plan amendment, while deferring the final
29 decision as to whether a certain space qualified as public use space to the Planning
30 Board. And the courts found that the Council could do that, based in part on this sort of,
31 this fairly established practice of leaving those decisions to the Planning Board. In that
32 context, I was reluctant to depart from the interpretation that Park and Planning has
33 given to this section of the zoning ordinance. I would also add that you now have
34 pending before you a zoning text amendment that would change that definition in a way
35 that would, if it were adopted as written, would make it impossible to put green area on
36 a terrace. So if the case is remanded, it obviously would be considered with the new
37 green area definition in place if there is one. So it may be premature to make a decision
38 now on interpreting a section that may be changed.

39
40 Councilmember Berliner,
41 One final question if I could Mr. Chairman, Mr. President. Turn to Circle 5, which I
42 believe is the Civic Fed's request for Oral Argument by Mr. Humphrey, and the first, the
43 second sentence, should the Council agree, I would encourage members to consider
44 specifying all the areas of concern listed above, use, height, setback, lot coverage, form



January 22, 2008

1 of the development, et cetera. I don't need to read it for you. Are all those items in your
2 judgment within the scope of the remand as you have envisioned it?

3
4 Francoise Carrier,

5 Yes. The use, height, setback, lot coverage, form of development are all sector plan
6 issues. Compatibility is specifically raised and there is also the remand lists, additional
7 evidence on the impact of a mid-block signal is one of the items to be addressed on
8 remand.

9
10 Councilmember Berliner,
11 Thank you.

12
13 Council President Knapp,
14 Councilmember Leventhal.

15
16 Councilmember Leventhal,
17 Well, I just wanted to highlight the point that Mr. Zyontz made, the consequence of a
18 denial is quite severe. You can't come back for three years. So I just wanted to bring
19 that squarely to my colleagues' attention.

20
21 Council President Knapp,
22 Councilmember Elrich?

23
24 Councilmember Elrich,
25 I would probably bring that same point to the applicant's attention because I agree this
26 is a close call whether this should be denied or remanded. I'm persuaded to let it
27 remand because the Hearing Examiner feels there might be willingness to respond to
28 these concerns. I won't vote for something based on Park and Planning's criteria. I can
29 tell you that now. So, if they're going to try to come back with a project that looks like
30 this project and the Hearing Examiner says this does not conform, I'm not there. And so
31 whatever you come back with has got to conform. But if it doesn't, then it just doesn't
32 work for me. I agree with my colleague's comment about this green space issue. It's
33 just, it's driving people crazy. It doesn't do what people think it is going to do and I'm
34 really concerned about the loss of our ability to actually get the kind of desirable
35 development and things on the ground where people can see them and experience
36 them if we continue to use Park and Planning's definition of green space. And so I have
37 legislation that will correct what I think is the misinterpretation of what they are calling
38 green space these days.

39
40 Council President Knapp,
41 We have before us a motion to remand for master plan compliance compatibility and
42 issues--.

43
44 Jeff Zyontz,



January 22, 2008

1 No, I thought you were going for Oral Argument.

2
3 Councilmember Praisner,
4 No.

5
6 Council President Knapp,
7 The motion is to remand.

8
9 Jeff Zyontz,
10 Okay.

11
12 Council President Knapp,
13 So we have before us a motion to remand as outlined by the Hearing Examiner and as
14 supplemented by the elements raised by the People's Counsel. Is that a roll-call vote, I
15 believe? It's not?

16
17 Jeff Zyontz,
18 Yes.

19
20 Council President Knapp,
21 Okay. All in favor of remanding Application Number G-861, please indicate by raising
22 your hand. That is unanimous. Thank you very much.

23
24 Francoise Carrier,
25 Thank you.

26
27 Council President Knapp,
28 Mr. Leventhal.

29
30 Councilmember Leventhal,
31 Could I please be recorded in the affirmative on the Consent Calendar and then also in
32 District Council, the previous District Council item Application G-860 please, I was out of
33 the room temporarily.

34
35 Council President Knapp,
36 Thank you Mr. Leventhal.

37
38 Councilmember Leventhal,
39 Thank you.

40
41 Council President Knapp,
42 Madam Clerk, if you would record Mr. Leventhal's votes appropriately. We now turn to
43 item number five, Action on Comments on the Draft Environmental Impact Statement for



January 22, 2008

1 Bethesda Naval Medical Center. Mr. Alperson, good morning. I'm not sure who's
2 leading our discussion, Justina, Ms. Ferber. Who is walking us through this?

3
4 Justina Ferber,
5 Actually, what you need is the letter.

6
7 Council President Knapp,
8 Is it the letter that was contained in the packet?

9
10 Justina Ferber,
11 Yes.

12
13 Council President Knapp,
14 Okay. Does everyone have item number five? We can work from that. Okay.

15
16 Justina Ferber,
17 We reviewed the letter and we found that most of the Council comments from last week
18 were incorporated. There are a few that weren't.

19
20 Council President Knapp,
21 Okay. Any other comments from? Okay. We have comments from Councilmembers.
22 Councilmember Floreen.

23
24 Councilmember Floreen,
25 I guess. Thanks very much. Well, I don't want to, I think this letter is fine. What I did
26 want though is my comment and my request in here, which was that perhaps at the end,
27 at some point, we would say, we respectfully ask that the Department of Defense agree
28 that it will adhere to the recommendations of the Planning Board on mandatory referral.
29 That is, as all of you may know, it is an advisory set of recommendations and I think it is
30 important for us to ask them, in advance, to tell us that they will commit to this. Will
31 they? I don't know. But I think at least we should ask them to. We've asked, this list just
32 acknowledges what has to happen anyways on Circle 4, number 10, that the Navy must
33 submit plans for, to Park and Planning for mandatory referral. But I do think given the
34 significance of all of this, that we ask them to agree in advance that they will adhere to
35 those recommendations or at least make best efforts to achieve those
36 recommendations somewhere in this letter. This is a long laundry list of things, but we
37 haven't actually asked them to do anything. And I think it would be good to ask them to
38 do something.

39
40 Council President Knapp,
41 Is that a motion?

42
43 Councilmember Floreen,



January 22, 2008

1 That is my motion to, again, not wordsmithing it right here, but just making that point we
2 could, one could insert such a point somewhere either at the beginning or at the end of
3 the letter which I think sort of summarizes our expectation that this will be a more
4 collaborative process.

5
6 Council President Knapp,
7 So, moving at the appropriate place, language that indicates that-- .

8
9 Councilmember Floreen,
10 That we would be requesting that the Department of Defense adhere to or make best
11 efforts to comply with the recommendations of the Park and Planning Commission upon
12 the conclusion of the mandatory referral process. And that would incorporate all of these
13 sorts of specific elements.

14
15 Council President Knapp,
16 The motion made by Councilmember Floreen seconded by Councilmember Praisner. Is
17 there any objection to such language? Okay, Mr. Leventhal for clarification.

18
19 Councilmember Leventhal,
20 I understand what it is that Ms. Floreen is suggesting and I agree that it is not clear what
21 we are asking the Navy to do except that what the document says here towards the end
22 of Circle 4, it says, we respectfully request that you provide a response to each of seven
23 different additional documents, some of which are voluminous and several of which are
24 internally contradictory. And in particular, although I am very, very grateful for the very
25 good work of Phil Alperson, John Carmen and all the members of the BRAC
26 Implementation Committee, whenever you have a citizens' committee, citizens have
27 different views. And I have a real concern about submitting to the Navy, as much as I
28 appreciate the excellent input of all of our citizens' volunteers, that document as though
29 that represented the views of the County. I thought that the views of the County were
30 going to be this letter signed by the County Executive and Council President and that
31 this letter from Mr. Leggett and Mr. Knapp would be, as it has been, informed by all the
32 input we got. But it seems to me to just do a gigantic data dump of all the input we got
33 on the Navy and say to the Navy, you know, we are not giving you a synthesis, we want
34 you to go back over all of these documents, particularly all of the citizen comments and
35 also Chief Carr and Park and Planning and environmental policy and all that, I think that
36 is too much to ask the Navy to do. I can't imagine that they are seriously and
37 substantively going to go through every single item of all of those attachments that we
38 went through last week and provide a response to each of those points. That is my first
39 observation. So, it follows on with what Councilmember Floreen is saying, that is, we
40 need to ask the Navy for something in this letter but my hope is that this letter, and in
41 fact, what my expectation was last week, was that this letter was all we were sending. I
42 am not really enamored of the idea of saying along with this letter, we provide you with
43 all of the supporting documents from which we synthesized this letter, that does not
44 seem to me to be a very efficient way to get a response from the Navy. And then finally,



January 22, 2008

1 just to beat the same horse I've beat before, I want to be very clear, it is not the policy of
2 the Montgomery County Council to build a Purple Line heavy rail loop. That is not the
3 policy of the Montgomery County Council and I do not want to see any documents
4 submitted to the Navy with any comments in that regard. I do not want the Navy's
5 response to that suggestion. That is not the policy of the Montgomery County Council.

6
7 Council President Knapp,
8 Councilmember Praisner.

9
10 Councilmember Praisner,
11 Well, I agree very strongly with Councilmember Leventhal's last statement relative to
12 the Purple Line and a new loop.

13
14 Council President Knapp,
15 And you dressed appropriately.

16
17 Councilmember Praisner,
18 And I dressed appropriately today. Just a couple of comments. I think actually the
19 procedure for the EIS does require them to respond or suggests that they should
20 respond to concerns that are raised as part of the draft EIS. So, we may be slicing hairs
21 and having some semantics. And the, I don't know that there is a response to the
22 evaluation, but a response to the comments or concerns raised by Park and Planning
23 and others, is, I think, consistent. And no matter how much this may be volumes, it is
24 nowhere near the volumes that other EIS's have generated that justify having
25 responses. So I am not sure I agree with my colleagues on the issue of this letter being
26 everything rather than referring as well to the comments of DPWT and of Park and
27 Planning, et cetera. I had a couple of other specifics on the, well, one request that I
28 don't want lost that actually is a request to Park and Planning and to the Navy at some
29 point when we get a finalized detail as to actually how many people are coming and
30 what the plan looks like, and that is the standing question that I have whenever, excuse
31 me, there is a government project or any project associated with mandatory referral,
32 and that is what would a private sector developer be obligated to do on this site if it were
33 not the government? And I think we need to be very up front so the community
34 understands the pieces associated if this were some company rather than the big
35 company. Finally, I have a little bit of a problem with some of the wording in the letter. I
36 do not think this is a unique urban nature and circumstances of this BRAC action. I think
37 in comparison to all of the Maryland requests, this is the most urban setting. But I don't
38 like using words like unique and special or different in letters because that sits
39 Montgomery County out there. I think we can make our case without using that kind of
40 word. Finally, while portions of Bethesda are urban, not all portions of Bethesda are
41 urban and areas to the east of this site are definitely not urban. They are residential
42 neighborhoods. And they are not the urban downtown Bethesda image that we like to
43 present so I think there needs to be some way of working in the location of this facility
44 on Wisconsin Avenue, but it starts to get into a more transitional area where it is



January 22, 2008

1 located, both on its north/south nexus and on its east/west. And that means that the
2 impact on those residential areas where folks haven't bought in an urban setting are
3 more significant and I think we need to be very careful about using urban for all of
4 Bethesda because it definitely is not since Bethesda is not, is a state of mind as much
5 as a municipal, discreet definition and therefore I think we should be careful with that.
6 So those are the comments that I have. The only other concern that I have is I guess,
7 suitable outlining locations for park and ride lots is a good enough term, making sure we
8 use the word suitable, excuse me, because we may be, I don't want that coming back
9 and saying the County supports these park and ride lots wherever they may be defined
10 later on. So the detail will be in the suitability of those locations.

11
12 Council President Knapp,
13 Councilmember Praisner, I just wanted to check, do you have, so did you have any
14 specific language you wanted to add or delete?

15
16 Councilmember Praisner,
17 I would strike unique in the second paragraph related to the urban.

18
19 Council President Knapp,
20 Second paragraph. So, page one.

21
22 Councilmember Praisner,
23 Yeah. And on page, on item three, where we talk about but are irrelevant to urban roads
24 like those in Bethesda, I'd say, like those in portions of Bethesda or something like that
25 so we are clear that all of Bethesda is not urban.

26
27 Council President Knapp,
28 Councilmember Floreen.

29
30 Councilmember Floreen,
31 Mr. President, may I suggest that perhaps we could like, collectively make these kinds
32 of points and then ask that staff circulate a corrected version at a later point rather than
33 get us into the editing experience.

34
35 Council President Knapp,
36 Well, that's why I wanted to see where people's comments, get people's comments so
37 we could --.

38
39 Councilmember Floreen,
40 I am happy to do that if you want to. But we do have a few other things.

41
42 Council President Knapp,
43 I just want to see what specific comments people have and if it's just quick language
44 changes I think we can capture them and then we can have them make changes or if



January 22, 2008

1 there are substantive changes then we can capture those as well. But I assume that
2 whatever changes we make we are going to have to see this one more time. What is
3 the timeframe for which this needs to be submitted?
4

5 Justina Ferber,

6 It has to be submitted by the 28th. And we have to, the Council has to finish up with it
7 and we have to get it back to the County Executive to make sure that he agrees with the
8 changes.
9

10 Council President Knapp,
11 Right.
12

13 Justina Ferber,

14 This week we have to finish it.
15

16 Council President Knapp,

17 Right, okay. We have a few more comments. Councilmember Berliner.
18

19 Councilmember Berliner,

20 Thank you, Council President. I would say to my colleague, Councilmember Leventhal,
21 my assumption with respect to this document, having served on the taskforce as this
22 Council's representative and having had several meetings with our County leaders on
23 this issue, was that it would end up being in precisely this kind of form. This is our one
24 shot in which we are going to be as voluminous as we can be because their legal
25 obligation is to respond to each and every one of these arguments in their final EIS. And
26 quite frankly, I believe that is their obligation and what we ought to set them to do. So,
27 whereas we have a cover letter here, we have separate attachments from DPWT,
28 separate attachments from Park and Planning, all of which cover somewhat different
29 issues but in much more detail than this cover letter will be. So I think it was, an overall,
30 an appropriate approach, the Council Vice-President and I were conferring with respect
31 to the tone of this letter and Phil and I want to share with you both of our thoughts with
32 respect to this is that, with respect to the, if you will, second paragraph on the second,
33 third full sentence, starting with, however, we have concerns, quite frankly, I believe that
34 is too soft. I think we need to be a little more forceful with respect to this. I have drafted
35 something that I will read and then we, the Council President can decide how it cares to
36 proceed. I would have made this a little stronger and I would have said, however, we
37 regret that, in our view, the DEIS fails to meet the Department of the Navy's legal
38 obligation to satisfactorily address the adverse impact of this project on the community. I
39 would stop there and then I would take up your next sentence as it relates to your
40 concerns and just make a, I would have, then I would say indeed comma certain
41 conclusions in the draft EIS do not recognize or discount the urban nature, et cetera. So
42 I believe that this kind of document needs to be a little more forceful in stating, I believe,
43 our collective view that they didn't meet their obligation as opposed to concerns. So
44 that's, and you know, everybody does this differently, I am a lawyer and that is how I



January 22, 2008

1 would do it on behalf of the County. So I share that with you. And propose that as a
2 modification, if that is something that my colleagues.

3
4 Council President Knapp,
5 Do you have that language?

6
7 Councilmember Berliner,
8 I do have that language.

9
10 Council President Knapp,
11 Okay.

12
13 Councilmember Berliner,
14 And I will share it with staff and colleagues.

15
16 Council President Knapp,
17 Any objection to a little firmer tone? I see none. Okay. Thank you Mr. Berliner.

18
19 Councilmember Berliner,
20 The other issue, and here we could have a substantive disagreement, I had raised in
21 my statement, a concern that had been raised also by Park and Planning with respect to
22 parking on site and that they had in fact provided substantial more parking than I believe
23 is appropriate if we are going to have a successful transportation management district,
24 et cetera. I don't get how the amount of parking that is provided is consistent with what
25 we need to do here. You don't identify that in your letter so I don't know if that is a
26 substantive disagreement that we have with respect to that but I would urge you to
27 include something akin to the point I made in the attached statement in the County and
28 our collective view. But if you have a substantive disagreement Phil, I think now is the
29 time to raise that.

30
31 Phil Alperson,
32 Yes, in many discussions, one of the members of the BRAC Committee is Brian
33 Gragnolati who is the President of Suburban Hospital. And he has made a very strong
34 case, and I have had similar discussions with other medical personnel at Navy Med,
35 that when you're dealing with medical personnel, doctors, nurses, they, on many levels
36 they need parking. Now, it is not that they are more special than other people. However,
37 at Suburban, they made a point that they compete for medical personnel. They are very
38 fortunate to have the doctors and nurses that they do have who work there. If it is
39 harder for them to get to the hospital, to get to their jobs, they're very stressful jobs, they
40 work, you know, long shifts, they have choices to work somewhere else. And it is a
41 strong concern, certainly of Mr. Gragnolati, that he might lose personnel if they can't
42 park.

43
44 Councilmember Berliner,



January 22, 2008

1 I get that for his concern as it relates to Suburban, which I am sure we will be hearing a
2 lot more in a different context.

3
4 Phil Alperson,
5 Yes.

6
7 Councilmember Berliner,
8 I don't get how that concern is applicable to this base, given the nature of the
9 relationship of the employees and personnel that will be going there. They're not
10 competing in that way. So I just don't want him projecting his concern as it relates to his
11 hospital onto this facility, which I believe has very different dynamic.

12
13 Phil Alperson,
14 Well, I use him because he is on the Committee, he spoke to us. I have spoken
15 separately with Navy Med who have expressed many of the same concerns. A lot of the
16 medical personnel there are not military, you know, they are civilian. And they don't
17 have to work there. You know, and if getting to and from their work becomes an issue
18 for them, they might go somewhere else for employment and that is a concern.
19 Obviously, getting to and from work, if you have a lot of people driving in that
20 neighborhood and they can't get there because there's too much traffic, then obviously
21 they are going to have to find other ways other than a single occupancy vehicle. But the
22 strict limitations of adhering to a certain parking ratio, there was some disagreement
23 about whether we should include something that strict and so we erred on the side of
24 not including that.

25
26 Councilmember Berliner,
27 I would err--.

28
29 Phil Alperson,
30 But we could put something in there. I am reluctant to put something, you know, firm,
31 you must have a, you know one to three parking ratio or something like that, but we
32 could put language in there.

33
34 Councilmember Berliner,
35 Why don't we err on the side of speaking to, that we need to encourage people and that
36 we believe the amount of parking spaces provided sends the wrong signal. And there
37 are other ways of addressing this issue short of a specific ratio.

38
39 Phil Alperson,
40 Okay.

41
42 Councilmember Berliner,
43 Alright?



January 22, 2008

1 Council President Knapp,

2 The only piece I would add to that too, and I just, having watched this from a bit of a
3 distance, is having personnel who are obviously there because they have had injuries or
4 sustained injuries or have other, I don't know what, how that plays with the parking ratio,
5 or the parking aspect, the folks who I am going to guess can't utilize transit necessarily
6 quite as well as others would be able to. And so to the extent that we have recognition
7 of the parking issue that has been raised, but also, if there is a way to address that, how
8 else do we get people back and forth using transit through that facility? I mean, I don't
9 know how we do that but I think it is something we need to address more broadly.

10
11 Phil Alperson,

12 Yes.

13
14 Council President Knapp,

15 Okay. Mr. Elrich.

16
17 Councilmember Elrich,

18 I am with Roger on this. I mean, I think the language has got to be absolutely as strong
19 as possible. I don't see why our residents should be put through some form of hell
20 because it might make it more difficult for people to get to work who want to drive. I
21 mean, if the Navy is concerned about that, we have got some transit projects they can
22 fund. If that's an issue. I mean, I think we need to say we just can't tolerate this. It's not
23 only this. We're not going to be able to do anything else in Bethesda. I mean, all the
24 other projects are going to be queued up behind this and the capacity and what it does
25 to that road is going to affect our ability to do anything we might want to do that actually
26 might pay taxes. So I think it is imperative that they deal with the transportation issues.
27 We ought to be as strong as possible in what we say.

28
29 Council President Knapp,

30 Councilmember Trachtenberg?

31
32 Councilmember Trachtenberg,

33 Thank you, President Knapp. You know, I live right up the street from NIH and from the
34 naval campus and I've actually spent a lot of time on both campuses. And I really agree
35 with a lot of the concerns that have been raised, not just today but last week, by
36 colleagues about specific issues, certainly those issues relating to pedestrians and
37 bicyclists and even the metro access. And I would say that all of those issues are very
38 much a concern to me based on my experience on the naval campus and parking is
39 certainly an issue as well, but one thing dawned on me last night as I was reading this
40 letter. And what I thought was interesting was, we didn't ask t ask for anything specific
41 around a timetable, a timetable on decision making and preparatory steps. And the
42 reason I think that is important is because I know when I am in the community, one of
43 the things that people have raised with me, and not just homeowners, but people who
44 have businesses in Bethesda, is it is not clear to them what decisive action will be taken



January 22, 2008

1 when and when decisions will be made. And I would like something in the letter that
2 would remind the Navy and others that, you know, we need to be kept in the loop. I
3 know we are, but I just think for formality purposes, and also to be able to give concise
4 responses to community members, that would be a wise addition to the content. Again I
5 appreciate the opportunity to address this today, and all the work that is going into this
6 letter and clearly I appreciate my colleagues' participation in the taskforce that's met.
7 But I just want to make sure that we are getting as much information as we can get and
8 we are getting it in a timely way and we are kept in the loop. Because a few times, I
9 have answered constituents and I haven't been exactly accurate in what I have said to
10 them, that something has already been done and I didn't know it. So I would just ask
11 that that would be considered as we send the letter over.

12
13 Council President Knapp,
14 Thank you and our last comment, Councilmember Andrews.

15
16 Councilmember Andrews,
17 Thank you Mr. President. One of the most important impacts of this project, unless
18 addressed, would be the effect on emergency response time. And I would like to ask
19 Chief Carr to give us a brief summary of the concerns of the Fire and Rescue Service.
20 Because unlike the Navy, which is a sea-based organization with substantial air power,
21 we are land-based and the ability of our emergency responders to assist our residents
22 is directly dependent on their ability to move through traffic in a timely manner. So I
23 wanted to ask the Chief to comment on what the service's concerns are about the
24 current plan.

25
26 Tom Carr,
27 Thank you. Yes, we are concerned from two perspectives, one is the increasing call
28 volume as a result of the increased use of the facility. That, I believe, is tolerable within
29 the capacity of the service that we have today. The second is the ability to move
30 through the traffic in front of the facility. And currently that is an issue, and a difficult
31 environment, especially during morning and afternoon switches of staffing. We are
32 concerned that the increased number of vehicles on the road in front of the facility will
33 have an impact in an area that is already very busy as far as response activity going
34 both directions. And that it could lead to, probably will lead to some increased response
35 time in that area. And it may not be on the facility itself, but in the communities around it,
36 as a result of having to work through the traffic basically from Woodmont down to Cedar
37 and less so beyond each direction. So, that is our primary concern. And certainly if there
38 is some way to mitigate that with shoulders or something of that nature that emergency
39 vehicles could utilize, that would help.

40
41 Councilmember Andrews,
42 Okay.

43
44 Council President Knapp,



January 22, 2008

1 Brief questions Mr. Leventhal, then Mr. Berliner.

2
3 Councilmember Leventhal,

4 You know, I have been meaning to ask this and I realize it may be too late. But even if it
5 were just for rescue vehicles and not for the general public, would it not serve us in this
6 document to request some limited access across the NIH campus? I know, I mean, the
7 traffic has gotten worse since the homeland security restrictions on that campus. And
8 what if it were only for Fire and Rescue vehicles that could cut across campus to get
9 between 355 and Old Georgetown in the event of an emergency? That would, that
10 could be very helpful and I, that never came up I don't think in these discussions. And I
11 appreciate all the homeland security concerns but could not the Navy work something
12 out with the NIH and I just throw that out there as a question.

13
14 Council President Knapp,

15 It's a good point. Comments from, is that something that has been considered?

16
17 Phil Alperson,

18 Well, that is sort of beyond the scope of what the Navy has to do in this context. I think
19 that's a, that's something that, you know, right now, there is the Bethesda Hospital's
20 emergency preparedness program and they, consolidation, collaboration of Navy Med,
21 NIH, and Suburban Hospital, and they are working on these very issues, on how to
22 improve mobility during an emergency. And they are discussing a number of ways. And
23 I think that is an appropriate forum.

24
25 Councilmember Leventhal,

26 I mean, I would say not only, you know, a national security emergency, but even a
27 routine fire call could --.

28
29 Phil Alperson,

30 Right, but generally they are working on ways to make sure that they can help each
31 other out. And that, I mean, that is a forum where you can have each of those bodies
32 talk to each other. I think that would be a more appropriate place than in this EIS. That
33 is just my opinion.

34
35 Councilmember Leventhal,

36 Well, could we follow up to ask that question?

37
38 Council President Knapp,

39 Let's get that, make sure that, that gets put into the discussion. Good point. Mr. Berliner.

40
41 Councilmember Berliner,

42 I just wanted to observe that I thought Chief Carr's observation is the answer Phil to the
43 issue as to whether or not doctors and staff need to be, if you will, provided additional
44 incentives in terms of parking. The trade off, in effect is, will provide you greater parking



January 22, 2008

1 space, but he can't get his emergency vehicles to the communities around this facility
2 because of the traffic. That is not a trade off that is acceptable to us. So I feel like we
3 need to be a little stronger on that.

4
5 Phil Alperson,
6 Okay.

7
8 Councilmember Berliner,
9 Set of issues.

10
11 Council President Knapp,
12 Okay. Okay. So far, we have had four main comments to the text. Ms. Floreen's request
13 to actually add a specific effort to comply with the mandatory referral process. Ms.
14 Praisner's comments as it related to both unique and the urban elements associated
15 with Bethesda, not being completely urban in all places. And then Mr. Berliner's
16 comments as it related to a rewriting of portions of the second paragraph which he will
17 then provide to you folks. So what I would propose is, and the parking. [MULTIPLE
18 SPEAKERS].

19
20 Councilmember Leventhal,
21 Look, I am concerned, if Montgomery County transmits a document to the Navy that in
22 any way puts the imprimatur of Montgomery County on a suggestion that a totally
23 different Purple Line than the one being proposed and stated by the state of Maryland.

24
25 Council President Knapp,
26 Sure. You're right.

27
28 Councilmember Leventhal,
29 I don't want that to occur. I don't want that to be mentioned in the document.

30
31 Council President Knapp,
32 Okay. And the Purple Line language was raised by Mr. Leventhal. And the timetable.
33 Okay. And so --.

34
35 Glenn Orlin,
36 I was going to make a suggestion about Mr. Leventhal's point. Ms. Praisner is right that
37 all the comments that are submitted by the Navy, they'll have to respond to. And just
38 talking to Mr. Alperson, the process that had been considered, I guess, in the Executive
39 Branch is that all of these individual comments from the agencies, from the
40 departments, as well as from the BRAC Committee would be included as an attachment
41 to this letter to provide a vehicle for those answers to be made. They could be submitted
42 individually. They don't have to be submitted in an attachment to this letter. It could go
43 individually. But unless that was the plan. Two possible suggestions of how you can
44 deal with this. One is that you do not attach the individual comments from the BRAC



January 22, 2008

1 Committee members and say that if they want to have their comments answered by the
2 Navy, they would submit them directly. But you would submit the BRAC Committee
3 report. The second option is to do the first and also amend the BRAC Committee report.
4 Let me just read you the paragraph which deals with the Purple Line and see if you are
5 comfortable with it or not.

6
7 Council President Knapp,
8 I am not sure how we can amend the BRAC Committee's report.

9
10 Glenn Orlin,
11 Well, --.

12
13 Council President Knapp,
14 The BRAC Committee has done what they have done. They --.

15
16 Glenn Orlin,
17 Either that or add a note. That's right saying that you disagree with this particular point.

18
19 Council President Knapp,
20 Right.

21
22 Glenn Orlin,
23 But let me just read it so that you understand what you are dealing with. If you have it
24 with you, this is from last week's packet agenda item number 6, Circle 97. The
25 comments as follow. The Purple Line; while there is no consensus on the Committee for
26 a specific mode or root of this project, the Committee believes that transit access to
27 Bethesda Naval must be increased. Some Committee members support the Purple Line
28 master plan, others support the bus rapid transit alignment along Jones Bridge Road,
29 while others believe the loop proposal deserves further study. It would be helpful if MTA
30 conducted a ridership survey of Walter Reed and Bethesda Naval employees.
31 Constructing the Purple Line would also make even more essential the construction of
32 the East Side Medical Center Metro entrance. I mean, that's the language that's in the
33 Committee report. The question is, if you are comfortable with that the way it is or if you
34 want to add, there's a better suggestion, add a comment in the cover letter saying.

35
36 Council President Knapp,
37 Body of the letter.

38
39 Glenn Orlin,
40 That the Council supports the master plan.

41
42 Council President Knapp,
43 Mr. Leventhal.



January 22, 2008

1 Councilmember Leventhal,

2 I would be happy to ask Glenn Orlin to draft for us if we are, you know, making final
3 corrections here, a clarification, and I would like to actively highlight, I would be happy to
4 highlight both the Purple Line and the CCT since I think both of those which are well,
5 you know, along the way are equally as important as road improvements and I think my
6 colleagues agree with that. So if we could have language from Glenn that strengthens
7 our interest in both of those projects and states that whatever individual members of the
8 BRAC Committee may feel, it is the policy of Montgomery County that we are working
9 closely with the state of Maryland, in the state of Maryland's preparation of a submission
10 to the Federal Transit Authority on both of these projects and that we are working with
11 the state, we support the option that we have historically supported which is, we don't
12 even need to mention what option that is. Because we, the state is only studying a
13 couple of options.

14
15 Council President Knapp,
16 Right.

17
18 Councilmember Leventhal,

19 This public campaign that is going on, that is using BRAC as a facade in order to lobby
20 against the Purple Line and kill the Purple Line is not something we endorse even
21 though the document suggests that we are of multiple minds or we're considering it.

22
23 Council President Knapp,

24 Okay. So, Dr. Orlin you'll provide that language and so what I would then propose is
25 given the suggestions made by the Council that within the next day or so, we get a
26 revised draft that we can circulate and get final comments, but I think generally you are
27 seeing agreement and consensus here, if anything, be more forceful.

28
29 Glenn Orlin,

30 [INAUDIBLE] a question. Do you want to include the individual comments from the
31 BRAC Committee members or not?

32
33 Council President Knapp,
34 Is there --.

35
36 Glenn Orlin,

37 Not the BRAC Committee report.

38
39 Council President Knapp,
40 Right.

41
42 Glenn Orlin,

43 But the individual comments.



January 22, 2008

1 Council President Knapp,

2 It would appear as though there's agreement on the part of the Council to have
3 individual Committee members submit those on their own.

4
5 Glenn Orlin,

6 On their own. Okay.

7
8 Council President Knapp,

9 Correct. Okay. Thank you very much for your efforts and we will look forward to seeing
10 something in the next day or so, so we can wrap this up. Thank you very much. Okay.

11 We are a little bit behind schedule but turning now to another important project, briefing
12 on the County Property Use Initiative, a proposal to relocate services from Public Safety
13 Training Academy and County Service Park to the GE/Edison Tech Park in
14 Gaithersburg. We have Diane Schwartz-Jones, the Assistant CAO with us. I wanted to
15 see if the Chair of the Public Safety Committee has any initial comments? We've heard
16 briefing from the Committee.

17
18 Councilmember Andrews,

19 Thank you Mr. President. We did have a briefing before the Public Safety Committee a
20 few weeks ago and out of that briefing came a long list of questions which are included
21 in the packet, 25 or so that asked for more information about various aspects of the
22 project and asked importantly for, asked more significantly for a alternative that would
23 include not moving the Public Service Training Academy and looking at the effect on the
24 rest of the project, if that were to be the case. Because it's the Committee's sense that
25 it's, would be feasible to do the rest of the project and not move the Public Safety
26 Training Academy although we have not come to that conclusion yet. But we want to
27 explore it. We think that that is an option as well. We found many attractive aspects to
28 the plan. But we also had many questions as the packet affirms and we were
29 particularly concerned about breaking up the functions of the Training Academy that
30 really need to be together, like the burn building and the classrooms that interact with it
31 in the Fire and Rescue Service. So, that's a brief summary of the Committee discussion.

32
33 Council President Knapp,

34 For the benefit of the folks that are viewing, if you could just introduce yourselves. For
35 the benefit of our viewers, if you could introduce yourselves just so they can get the
36 closed captioning right.

37
38 Diane Schwartz-Jones,

39 Thank you Mr. President, members of the County Council. I am Diane Schwartz-Jones.
40 I'm an Assistant Chief Administrative Officer in the County Executive's Office and with
41 me is Al Rosdieh, Deputy Director of the Department of Public Works and
42 Transportation. We appreciate the opportunity to brief you. This is a briefing that we
43 presented to the, as you noted, to the Public Safety Committee on December 6th and
44 we wanted the opportunity to share it with the full Council. This is basically a report on a



January 22, 2008

1 feasibility study. The County Executive realized that there were a number of major items
2 that were coming up for major investments. The Liquor Warehouse needed some
3 significant financial investment. There was significant financial investment that had to be
4 made in the Public Safety Training Academy. There was, the EMOC needed significant
5 investments. So, there are a number of public facilities that need some major public
6 investment, and these facilities are located on sites where they were placed 37 years
7 ago in some cases, you know, the 30 to 40 year ago range when Montgomery County
8 was very different and the land uses where these facilities are located is very different
9 now as the County has evolved. So, one of the things that we were looking at is we
10 wanted to do a comprehensive approach to our property management, our property
11 land use decisions and our investment of resources, and we wanted to look at how to
12 use our assets and our funds in a manner that provides both for the long-term and the
13 short-term economic and fiscal health and needs of the County. And what that means
14 is, for example, where a major investment is being made in a facility that is 30 years old
15 but cannot meet the needs of Montgomery County for the next 50 years or the next 30
16 and 40 years, as has already occurred, we wanted to put the money in the right place.
17 Because what we saw happening is sort of a confluence of opportunities that might
18 provide for a more comprehensive and a better planned out approach to investment.
19 We wanted to have the ability to leverage some of our underutilized County properties
20 to meet all of the needs through our comprehensive planning. We wanted the ability to
21 implement, for example, the Shady Grove Master Plan to create transit oriented
22 development in places where transit oriented development makes sense. As I
23 mentioned, we were looking at the land use, what we would call the relevancy. I know
24 that the Public Safety Committee has a particular view as it relates to the PSTA site.
25 The PSTA site, as we all know and as Mr. Rosdih will go into for you a little bit later, is
26 located really, it is sandwiched between the University System, University of Maryland
27 System Campus, the Belward Campus up against to the Life Sciences Center and so
28 there are some uses of that that may be better situated to Long Green's visions over
29 there and to transit oriented development over there. We also wanted the ability to
30 address needs that cannot be met at current sites. For example, one of the things that
31 the PSTA site does not have is it doesn't have the heavy equipment training facilities,
32 even if we were to invest in improving the Liquor Warehouse out at the Crabbs Branch
33 site, we could not meet all of our needs and EMOC needs major expansion capabilities.
34 We just can't meet everything that we need to do at the current sites. We wanted to
35 create efficiencies and synergies through a campus setting and that's probably what I
36 would call the centerpiece of this overall proposal, is creating a public safety campus.
37 There, we think that it makes sense to co-locate our public safety uses. Right now there
38 is a lot of meetings that go on, you know, either, whether it is over at homeland security,
39 over at Police, over at Fire and Rescue, but there is a lot of interplay and interaction that
40 has to happen amongst our public safety providers and we wanted to create a campus
41 where we thought they could have that, those synergies, they could co-use facilities and
42 have a better process. Some of the decisions that occurred 30 years ago wouldn't be
43 made today frankly. You know, if we were looking to site a PSTA, I doubt that we would
44 site it where it currently is located. We would look for a better site for it. And finally, one



January 22, 2008

1 of the things that we wanted to do is we wanted to move agencies, we have a lot of
2 leased space. We have a huge budget, operating budget that goes to leased space and
3 we would like to reduce our reliance on the operating budget and put it into assets that
4 we actually will end up owning at the end of the day. As I mentioned, for example, again
5 not to pick on the PSTA, it was located 37 years ago when the surrounding areas were
6 farms, one of the reasons we think that it really makes sense to relocate these uses is
7 that, this particular use, is that the property sits around the Life Sciences Center. The
8 Life Sciences Center itself, the Belward Campus, have very stringent covenants on
9 them. They have very stringent land use restrictions. And so in order to really capitalize
10 on the investment that we have in the Life Sciences Center, to move the Life Sciences
11 Center into the next 40, 50 years and create a world class science and a higher
12 education community, we need to look at how to use our other sites around it. And
13 PSTA is one of those sites. I think you all have spoken with members of Johns Hopkins,
14 they have been putting a tremendous amount of work into how to take these campuses
15 into 2030 and beyond. They have looked particularly at the PSTA site as well, they
16 recognize they need high intensity, they'll need more residential development nearby in
17 order to have people, you know, a living, working community, the kinds of communities
18 we are looking to have. They are going to want to have mixed use, commercial, retail.
19 And really this is a good site for that, because it does not have the restrictions that the
20 Belward Campus has, that the Life Sciences Center has on it. And as I mentioned
21 earlier, the linkage, additionally, it allows the PSTA site is located not far at this point,
22 the planned alignment not far from the PSTA site. With some modifications to the
23 alignment, this could become a perfect transit oriented development area for, and
24 advance our objectives as it relates to mass transit. Finally we have been struggling,
25 and the Council has been struggling, with how to deal with TDR's, that we need more
26 receiving areas for TDR's, and this particular piece of property could fit very nicely into
27 that objective as well. So there are many policy objectives that we would hope to attain
28 by taking this comprehensive County property initiative look at how we do things and
29 how we are going to do them for the next 40-50 years. Crabbs Branch was built many,
30 many years ago. It has its industrial uses next to Metro Station, I think we've all
31 recognized and in fact, the previous Council took action on this to create and to amend
32 the master plan in order to allow for a transit oriented development at the Shady Grove
33 Metro Station. This would allow us, this plan that we are about to present to you, our
34 proposal, would allow us to implement that master plan objective. We have identified, as
35 I mentioned earlier, there is a confluence, it's sort of like the perfect storm, this
36 confluence of opportunities for properties that are now available that fit into this
37 analysis. One is the GE site. I think everybody knows where that is up on Route 28.
38 That is an industrial site. The other is the Finmarc site which is adjacent to it, has
39 warehouse built on it already. And there is also the Webb Tract, which is going through
40 site development right now in terms of putting in the infrastructure to allow for industrial
41 development on the Webb Tract. Additionally we have some public facilities that would
42 be available for a beneficial reuse. They have been put to uses that were somewhat
43 heavy on, you know, took a toll on the land in the past. We can now put them to a
44 productive and a beneficial reuse. Those would be the Elmer School Road site and the



January 22, 2008

1 Gude Landfill site. One thing that I would like to say that we do recognize, this is the
2 beginning of this entire process, and we know that as we look at all of these sites, we
3 have to be sensitive to the community that surrounds these sites, and we have to be
4 sensitive on how we locate things and what we are locating. So we are aware of it.
5 These are principles that we have factored into our discussion. I think that, with this
6 backdrop for you to understand the framework with which we undertook this study, Al
7 will now walk you through the study and the various properties and some of the
8 reasoning that went into some of the suggestions that are being made.

9
10 Al Rosdieh,

11 Thank you Diane. As Diane indicated, yes, thank you. As Diane indicated, there were a
12 number of functions, County functions and properties that was used in this study -- a
13 total of 12 properties or functions, County functions and County facilities and private
14 properties. Among those are PSTA, Police Headquarter Facility, Homeland Security
15 Offices in Gaithersburg, Fire and Rescue Administration Offices in EOB, Board of
16 Election, GE Tech Park which is the private property, Finmarc, Poolesville site, Shady
17 Grove Service Park, Gude Landfill and Webb Tract. The PSTA site is 52-acre, and
18 everybody is very familiar with it. It is a County owned and we asked -- to look at the site
19 to see if it is, with the current configuration if it can be expanded. And the result was
20 negative. And it doesn't leave sufficient space for future expansion. And next site is
21 Crabbs Branch Service Park, is a 92-acre, almost 47-acre on each side of the Crabbs
22 Branch Street. The Executive proposal is to vacate the west side of Crabbs Branch,
23 which right now houses the Department of Liquor Control Warehouses, MCPS Food
24 and EMOC. Yes. On the PSTA, the blue area is identified for a stand alone -- Fire
25 Station. And later, we will get into a more detail of the others for the rest of the site.
26 Gude Landfill is approximately 100-acre site and we hired a consultant engineer to look
27 at the site and see the feasibility of developing or putting some of the functions. Of
28 course we initially were interested to see if we could put the driving tracks on this site
29 and however the study showed that that would require a very high premium in terms of
30 construction. However, they have identified a 31-acre of this site as usable, and later
31 you will see that we are proposing to move the school parking and maintenance facility
32 over here. The Poolesville site is, recently was purchased from WSSC. It's a 318-acre
33 site currently used for police firing range training and half of the site, -- sludge --
34 entrenchment sites, like the environmental remediation requirements. Of course the site
35 lacks water and sewer infrastructure to support high density development. GE Tech
36 Park is a private property. It is zoned currently industrial. It is about 52-acre. It's right on
37 Route 28 and it contains about 340,000 square feet of office and warehouse space.
38 Right next to that on the west side of this site is Finmarc, which is again industrial zoned
39 property. It contains about 220,000 square feet of warehouse space. Finally, the site,
40 no, I did not. [INAUDIBLE]. Yes. Yes. Right on the west side and they both together
41 create about 100-acres of property. But, and also that is two parcels, the Finmarc.
42 Where the warehouse is is one parcel and the wooded area at the bottom is another
43 parcel. It's owned by the same owners and it want to be conveyed together.



January 22, 2008

1 Diane Schwartz-Jones,

2 I just wanted to add something too about the Finmarc site. I mean, these properties and
3 their annexation agreement were actually approved for a much more intense use than
4 what we are proposing for these two sites.

5
6 Al Rosdiah,

7 Finally, Webb Tract is about 120-acres. It's privately owned, is 90-acre usable. It is
8 zoned industrial. And of course each side of the site contains wet soil that requires
9 aeration before it can be developed. And the picture shows that the potential
10 development build-outs. Now the challenges. We will go quickly on these. In PSTA,
11 basically limited future expansion capability, unable to locate heavy duty trucks, right
12 now we cannot, the tracks are not designed for fire trucks or heavy equipment. It's in
13 need of costly renovation and expansion. Currently we have problem with parking, it has
14 insufficient parking. Inconsistent with surrounding land uses, as Diane indicated earlier.
15 And near future transit stub of course, does nothing to advance Life Science Center as
16 a world class technology center. And a large portion of the site, underdeveloped with
17 tracks and burn buildings. And of course the scattered public safety operation creates
18 operational insufficiencies. Police Headquarters is extremely overcrowded and far
19 beyond building capacity. It is in desperate need of major renovation. Scattered police
20 function in various facilities throughout the County. Low morale among the building
21 occupants and lab space in dire need of improvement. Police District 1 in Seven Locks
22 Road is in desperate need of a major renovation. Board of Election insufficient and
23 inefficient space. County Service Park, Department of Liquor Control, it's in need of
24 climate control warehouse space, need expanded space immediately. It lacks future
25 expansion at the current site and we are leasing multiple locations and it is operationally
26 inefficient. EMOC, again, it is in need of expansion and currently lacks capacity to add
27 buses to the fleet. And furthermore, on the Shady Grove Sector Plan, insufficient land
28 use proximate to Metro Station and existing infrastructure. Current use is inconsistent
29 with the sector plan. And of course, leasing budget, we, in FY-09 our leasing budget is
30 \$22 million. Other sites, Executive, comprehensive proposed plan is to construct –
31 Travilah Fire Station, a stand alone fire station at PSTA and relocate all the other
32 functions from this site. And basically the action is – around this remainder of the
33 permanent site. And this reasoning for this action is to avoid spending large sums of
34 money on a building that has a limited life. And another reasoning for the use -- of land
35 and surrounding Life Sciences, GE Tech Park, the proposed action is to purchase the
36 site and create a public safety campus and renovate existing building to accommodate
37 Board of Election, Police Headquarter, First District Police Station, Department of Fire
38 and Rescue Administrative Offices, Department of Homeland Security Administrative
39 Offices, and PSTA classrooms, and also construct a new facility for the PSTA gym and
40 indoor firing range, and of course, a helipad at the site and public safety memorial. And
41 backfill the remainder of the building from other leased facilities and also backfill the –
42 School with other function. And also the backfilling of the EOB vacant spaces in this
43 building. Now the reasoning for this action is bringing scattered public safety
44 components under one roof. And GE building is more sustainable over time. Renovation



January 22, 2008

1 can take quicker time and it's, County – has objected more quickly. And it allows for the
2 future expansion and additional facility as required. It enables a state of the art
3 technology and training technologies for police and fire. It addresses shortage of vital
4 features at the existing facilities such as labs, provide a space for alternative emergency
5 operation, which we do not have right now, and also provides amenities which
6 enhances 24/7 emergency response capability once they are under same roof. The
7 other site is Poolesville. Our plan is to relocate PSTA driving tracks, urban search and
8 rescue and burn building and classrooms associated with the burn building. This
9 creates, this action, reasoning for this action, it creates outdoor public safety training
10 facility at a larger site, more consistent with land use than current site and reuse of
11 most, former – sludge site and also it can accommodate fire trucks and heavy
12 equipment. Crabbs Branch site, the action is to move Department of Liquor Control,
13 school food, school buses to other sites, move expanded EMOC and day labor to the
14 east side where currently house the school buses maintenance facility and retain Park
15 and Planning at the current site. And it makes the west side of this property available for
16 sale or ground lease. And the reason for this action is basically expanding EMOC,
17 allows for transit development near metro and consistent with the sector plan, creates
18 more valuable site for the redevelopment and efficient use of infrastructure, allow
19 development where it belongs. Finmarc. The warehouse and the site to purchase it,
20 move Liquor Control operations from three sites into this single site, construct a new
21 facility for MCPS Food Operation and the County remains option for future
22 development. And of course the reasoning for these actions are when completed with
23 the GE Tech Park purchase, it almost gives the County 100-acre of the land, provides
24 needed air conditioning and warehouse space for employees that currently does not
25 exist in Liquor Control Warehouse, provide a needed climate control storage area that
26 they require, it consolidates warehouse from three locations, relocate DLC to a larger
27 and more comfortable and suitable facility with expansion for future expansion and
28 provide additional land for future County development. Gude Landfill, finally, is to
29 construct a MCPS bus facility at this site. Of course there is a premium for construction,
30 however, it was deemed that it could be done. It provides buses with a centralized
31 location and beneficial reuse of the old landfill. The other proposed is the alternative is
32 to clear the entire Crabbs Branch site including the east side. The only difference
33 between this proposal and the Executive proposed plan is that Webb Tract should be
34 purchased and MCPS buses and the EMOC operation to move into the Webb Tract.
35 The benefits of course, we already went through those, but it creates a viable plan to
36 address County objective, it leverages existing assets and planned investment to obtain
37 new sites in varied locations, various sites to meet present and future needs.
38 Compliments long range vision for completion of Life Sciences Center, provides
39 opportunity for transit oriented development consistent with sector plan, retains
40 development acreage in County own sites to enable future expansion, minimize County
41 investment to renovate, expand aging and constrained facility and reduces County's
42 need for leased space. Of course, the risks are, this GE Park and Finmarc are privately
43 owned and could be sold to others. Land prices in our analysis could change depending
44 on when the purchase or the acquisition takes place and construction premium costs for



January 22, 2008

1 relocating buses to the Gude Landfill could change. And however, the next step is
2 proceeded with version of the comprehensive County land use study, perform
3 architectural massing to see if, you know, to fit everything that we discussed, of course,
4 purchase and land swap acquire properties and explore acquisition of property for future
5 use and of course, doing a sequencing study for all these things to take place.

6
7 Diane Schwartz-Jones,
8 Actually there are, and there are multiple next steps that need to be undertaken and we
9 are developing that and working on that at this point.

10
11 Council President Knapp,
12 As you might imagine there are a number of questions from Councilmembers so I
13 appreciate the briefing and I appreciate your undertaking this. This is the same briefing
14 that you also presented to Gaithersburg City Council, correct?

15
16 Al Rosdieh,
17 That's correct.

18
19 Diane Schwartz-Jones,
20 Yes it is.

21
22 Council President Knapp,
23 Just so everyone understands.

24
25 Diane Schwartz-Jones,
26 There may have been minor changes to it, but very minor.

27
28 Council President Knapp,
29 That's fine. Okay. Just for the benefit of my colleagues, we still have to also get through
30 our budget reduction discussion and so the extent that we can have, hold this
31 conversation about 15 or 20 minutes, this is still a pretty preliminary, I mean, we are
32 early in the stages of the discussion so it's important for the Councilmembers to hear it.
33 And I am sure there will be a lot of questions both today and going forward and so I
34 think it's important for Councilmembers to get some initial questions on the table so we
35 can have the dialogue for the next 15, 20 minutes or so and then we'll turn over to the
36 budget discussion. So, with that, Council Vice-President Andrews.

37
38 Councilmember Andrews,
39 I just wanted to make a couple other observations to something I said earlier. One is,
40 obviously this is a complex proposal with many moving parts that notably involve
41 several municipalities, Gaithersburg, Rockville and Poolesville. Gaithersburg has been
42 briefed and Poolesville I'm sure is also interested in a briefing as their letter indicates.
43 There has been some informal contact at least with Rockville, but it is important to note
44 that it is a proposal that involves municipalities in terms of the relocation, particularly



January 22, 2008

1 Gaithersburg. Also, one of the concerns that the Public Safety Committee has is of the
2 impact of the proposed decentralization of the Training Academy functions on the
3 efficiency of training operations in the Fire and Rescue Service, and I would add,
4 particularly on the long-term viability of the volunteer service. Because, if key functions
5 were relocated, for example, to Poolesville as proposed, Poolesville is very much out of
6 the way for most folks in this County and would add a significant amount of time,
7 certainly for volunteers, but it would also affect the general efficiency of Fire and Rescue
8 training. We have much in-service training that goes on, on an annual basis, for Fire
9 and Rescue personnel as well as for other public safety personnel, so it is not simply at
10 the beginning of one's career that one has a significant amount of training. So with
11 those comments, I will stop and allow other Councilmembers to jump in.

12
13 Council President Knapp,

14 Thank you Council Vice-President Andrews. Councilmember Praisner.

15
16 Councilmember Praisner,

17 First of all, I had a question, is this the study? Is there some narrative or is this all you
18 got?

19
20 Al Rosdieh,

21 No, actually, it is a very comprehensive document.

22
23 Councilmember Praisner,

24 I would like to get a copy of the comprehensive document, not just the overview.

25
26 Al Rosdieh,

27 Yes.

28
29 Councilmember Praisner,

30 And I would hope that our staff would have access to the comprehensive document so
31 that they can see if there are other things that need to be brought to the Council's
32 attention. Secondly, I share a lot of the comments or concerns that I think are couched
33 in the Chair of the Public Safety Committee's comments as it relates to access and
34 volunteers, especially fire volunteers. And coming from the east side of the County, I
35 see this as a tremendous negative for Burtonsville, for Hillendale, and for Silver Spring,
36 and for any vision of the future of growing our volunteer with the increasing demands
37 that we are placing on volunteers for certification and courses and training, some of
38 which can be done online, but some of which benefits from being in a classroom setting
39 or in some of those other settings and they are, they are hands on training. Some of the
40 exercises that we will go through are not table top, and they may involve the site in
41 Poolesville as proposed and I just think it is too far out of the way. I am troubled by the
42 fact that the only locations on this map are west of Rockville, and I think that the County
43 has not exhausted a look at all of the industrial or privately or publicly held land that can
44 be available for these functions. I think that at the same time, we should be



January 22, 2008

1 incorporating what functions in the Rockville core need to be in the core and which can
2 be expanded, relocated and which need to be brought in that might free up space. So I
3 see this as isolated from the bigger Rockville core study. And certainly, I understand the
4 drive. I chaired the Committee that, and was involved in the Committee associated with
5 the Shady Grove restructuring and we are behind schedule on that initiative. So I think
6 there are legitimate, very legitimate and logical rationale for moving those government
7 sites off of the Shady Grove area from a maximizing of the potential with the Metro
8 Station, but I do not like the tilt that I see to the exceedingly west side of the County,
9 especially grouped around 270. That may be the only corridor in this County, but it is
10 not, as a north/south congested route, an ideal location for many of our government
11 facilities. So, that is one. And I would like you to look more exhaustively at industrial
12 sites, and, either County owned land or non-County owned land since you have already
13 introduced some private sector properties, I would encourage you to look beyond these
14 private sector properties. The other question that I had is, when we had discussions
15 about the school systems' bus functions, I can remember John Matthews sitting at the
16 table talking about their desire to be more decentralized, not centralized, because that
17 will allow shorter bus routes for kids, get them home more safely, allow them to manage
18 their number of routes, multiple routes, meaning the same bus being used for all three
19 levels of schooling, or two of those three, to help with the hours that school is open, our
20 after school initiatives for transportation, et cetera. So I don't see this conversation really
21 consistent with the decentralized goals which might take the existing MCPS bus
22 facilities and dispersing it, not concentrating it as it exists now. So I would hope you
23 would look at that as well. And the County Executive's comprehensive property use
24 initiative is not defined in any way in this document. And I think it would be helpful for us
25 to have a sense of what is there and what is not there from a comprehensive nature.
26 And I think that concludes my comments.

27
28 Council President Knapp,
29 Thank you Councilmember Leventhal.

30
31 Councilmember Leventhal,
32 Thank you. I want to echo Councilmember Praisner's recollection of dispersing the
33 school buses because I had a lot of conversations at the time when we considered the
34 Shady Grove Master Plan and it was my understanding that a substantial number of the
35 school buses now housed up at Shady Grove could be relocated down to Seven Locks
36 Road, or the Cabin John area where they have a, where they have a facility. And I
37 agree, it was my understanding that they were going to park school buses in a variety of
38 different locations. So I hope that there will be very, very early discussions with the
39 neighbors of the Webb Tract. I hope those maybe are already underway. That is a
40 community that, you know, Snouffer School Road is a difficult road to traverse, it's a
41 very narrow road, there have been a number of intensive uses proposed there. The
42 neighbors are of a turn of mind, they feel like nobody talks to them and they never know
43 what is going on. So, here we are discussing something at the County Council, on



January 22, 2008

1 television, I hope that somehow some outreach will be done there in East Montgomery
2 Village in particular.

3
4 Diane Schwartz-Jones,
5 There will be with all of the communities. We were concerned though because we had
6 not spoken with the full Council. So we are going to direct our attention to that
7 immediately.

8
9 Councilmember Leventhal,
10 There was strong opposition and I thought it had merit to locating the entire school bus
11 depot there which was one of the initial suggestions from Park and Planning a few years
12 ago when we took up the Shady Grove Master Plan and I said at the time that I would
13 not support that. This document says that the EMOC use is less intensive than the
14 school bus use would be in effect. If that is true, I would like to see some documentation
15 of why that's the case and whether Snouffer School Road is really adequate access for
16 the EMOC facility.

17
18 Al Rosdieh,
19 Well, the Executive proposed plan does not move any function into the Webb Tract.
20 He's not proposing that. That is an alternative in this study that if you want to move all of
21 the functions out of the Crabbs Branch, then we need to purchase Webb Tract and
22 move the EMOC and the Park and Planning function into that site.

23
24 Diane Schwartz-Jones,
25 A portion of the Webb Tract.

26
27 Councilmember Leventhal,
28 Okay. I understand. So, you have the comprehensive solution and then you have the
29 alternative solutions. So, under the comprehensive solution, the EMOC stays where it
30 is? What happens, just, I've been listening to you, but what happens to EMOC which
31 needs to grow under the comprehensive solution?

32
33 Al Rosdieh,
34 Currently the school bus parking and maintenance facility is on the east side, northeast
35 side of the site.

36
37 Councilmember Leventhal,
38 I've got it. I've got it. [MULTIPLE SPEAKERS]. You move the school uses away.

39
40 Al Rosdieh,
41 Yes.

42
43 Councilmember Leventhal,
44 And then EMOC grows at Crabbs Branch.



January 22, 2008

1
2 Al Rosdieh,
3 Goes across the street--.

4
5 Councilmember Leventhal,
6 I've got it. I've got it. Okay. And under, so all of the school buses go to the Gude Landfill
7 under the comprehensive?

8
9 Al Rosdieh,
10 That could go.

11
12 Councilmember Leventhal,
13 Okay.

14
15 Al Rosdieh,
16 However, we had some discussion with the school, maybe they want to break up,
17 because actually, there are two depots at that site.

18
19 Councilmember Leventhal,
20 Okay. Now I, as colleagues know, the Council has directed a taskforce to look into the
21 possibility of building a bio-diesel refinery in Montgomery County. Dan Locke is the
22 County Executive's representative to a taskforce that's being Chaired by Keith
23 Levchenko and the Gude Landfill is one potential site or such a refinery and there are a
24 lot of suggestions that have been floated about generation of energy in a variety of
25 ways. There is gas to energy, methane energy proposal for the Gude Landfill also. Does
26 this proposal, the comprehensive proposal, interfere with either of those possibilities,
27 either a bio-diesel refinery or the gas to energy machinery?

28
29 Al Rosdieh,
30 The gas to energy project is moving forward and it has no impact whatsoever on that
31 project. On the bio-diesel, I couldn't answer that question Mr. Leventhal. I will look into
32 that.

33
34 Councilmember Leventhal,
35 I'd like to, I know nobody has answered it yet, because it's just getting underway, but I
36 do not want to forget that.

37
38 Al Rosdieh,
39 Right.

40
41 Councilmember Leventhal,
42 That is an important goal. I was a skeptic at the time the Shady Grove Master Plan was
43 before us, that all of this could be accomplished, and I remain skeptical although I
44 appreciate the work that's been done. I think there is a lot of good ideas here. Whether



January 22, 2008

1 100% of it will end up being, you know, coming about or not I don't know, but I
2 congratulate you for putting thought and effort into it. And I think, you know, there's a
3 number of good suggestions here. What was the reaction of the Gaithersburg Council
4 when you briefed them on, particularly on the proposals for the Kentlands, the GE and
5 the adjacent, the Finmarc?

6
7 Diane Schwartz-Jones,

8 Generally speaking, they are, they want to know more about it, they are not opposed to
9 it, they do have concerns that, they want to know our address, they are very concerned
10 for the area that's in front of the, that lake with the, we saw the pretty pink cherry trees?

11
12 Councilmember Leventhal,
13 Yeah. The lake. Yeah.

14
15 Diane Schwartz-Jones,

16 They are very concerned about maintaining that vista. And so, you know, we agree with
17 them.

18
19 Councilmember Leventhal,
20 Can we accomplish that?

21
22 Diane Schwartz-Jones,

23 We agree that that's something that should be protected. So, you know, we will work
24 with them. They had traffic concerns. And I think that, we will, obviously will be having
25 traffic studies. I think we'll be able to provide them with some level of comfort,
26 particularly when you look at what the, could happen if we don't have the public safety
27 campus there in terms of the potential for other types of development at those locations.

28
29 Councilmember Leventhal,
30 Okay. And then the public safety memorial, I am confused. The ground is already
31 broken for that.

32
33 Al Rosdieh,
34 It can be relocated to the front of this site.

35
36 Councilmember Leventhal,
37 On the same site?

38
39 Al Rosdieh,

40 Yes. It can go where the pond area and the grassy area in front, that would be the ideal
41 location for the memorial.

42
43 Councilmember Leventhal,



January 22, 2008

1 So, no real work has been done on it yet? I was present, we put a shovel in the ground,
2 but nothing has happened since then?

3
4 Al Rosdieh,
5 I need to look into that to see how much they have done.

6
7 Councilmember Leventhal,
8 Maybe we will just put another shovel in the ground somewhere else. [laughter]. I just
9 wonder if, I mean, I just wonder if anything's happened since.

10
11 Councilmember Praisner,
12 Don't get carried away.

13
14 Councilmember Leventhal,
15 It's not constructed yet?

16
17 Al Rosdieh,
18 No.

19
20 Councilmember Leventhal,
21 It is not really underway?

22
23 Al Rosdieh,
24 No.

25
26 Councilmember Leventhal,
27 Nothing has really happened?

28
29 Al Rosdieh,
30 No.

31
32 Councilmember Leventhal,
33 Okay.

34
35 Council President Knapp,
36 Councilmember Floreen.

37
38 Diane Schwartz-Jones,
39 We will fix the ground and then ground break elsewhere.

40
41 Councilmember Trachtenberg,
42 Got to wait for it to warm up a little.

43
44 Councilmember Floreen,



January 22, 2008

1 Well, this is quite a plan. You said here in your next steps that you are going to proceed
2 with a version of the comprehensive land use solution. Which version would that be?

3
4 Diane Schwartz-Jones,
5 The Executive's recommended, the County Executive recommended clearing the site
6 that is closest to the Shady Grove Metro Station so that would mean moving EMOC
7 over across the street.

8
9 Councilmember Floreen,
10 No. I mean, it says proceed with a version, I mean, and then you had some alternative
11 things, which are, you know, there's some community interest in this sort of thing. So is
12 there a, what is the version that you are going proceed to with? The one that is not the
13 alternative version?

14
15 Diane Schwartz-Jones,
16 Well, the alternative version is the comprehensive clearing of the County Service Park. I
17 think though, to keep in mind, that, and you can see this when you look at this, is that
18 these are pieces that are almost modules if you will.

19
20 Councilmember Floreen,
21 Yes.

22
23 Diane Schwartz-Jones,
24 And so that there can be pieces that we can begin working on. For example, the easiest
25 thing to do right now, right off the bat, would be the Liquor Warehouse, is a very easy
26 piece.

27
28 Councilmember Floreen,
29 Okay.

30
31 Diane Schwartz-Jones,
32 To proceed with.

33
34 Councilmember Floreen,
35 Let me ask you a different question. Do you have a plan and a timeframe for addressing
36 each of these steps, identifying which module you are going to do when and how that is
37 going work?

38
39 Diane Schwartz-Jones,
40 That is being developed, the sequencing plan that Mr. Rosdieh referred to.

41
42 Councilmember Floreen,
43 Could we ask that you share that with us when that comes out?



January 22, 2008

1 Diane Schwartz-Jones,
2 Sure.

3
4 Councilmember Floreen,
5 And I appreciate there are lots of steps here and we are just trying to track it. I am most
6 concerned about EMOC because, you know, we did, I mean, I feel sort of personally
7 guilty about this, we said to Mr. Holmes five or six, five years ago, right Art, you can't fix
8 EMOC because of the master plan. And then there was the master plan, and it said
9 move EMOC someplace. And then we said you can't fix it until you move it. And now
10 you are proposing actually something that's different from what I thought we were going
11 to do, which was to move EMOC onto one of the Casey 6,7, 8, whatever it is, one of
12 those, Casey's properties over in Gaithersburg. Is that now off the table?

13
14 Al Rosdieh,
15 That is correct.

16
17 Councilmember Floreen,
18 That is off the table. Okay. So I would certainly like to, I know the, I would think the
19 Council, certainly the T&E Committee would like to be very close, kept very, in the loop
20 very closely on the EMOC situation. Because it is a fundamental lynchpin of our transit
21 program. And we do, that, in my view, needs to be a priority, dealing with the EMOC
22 situation one way or the other. And how do you think EMOC is going to fit into your
23 schedule?

24
25 Al Rosdieh,
26 Well, of course under the Executive's proposed plan, the school bus facility has to move
27 out of the site, then it provides the site for the EMOC to move across the street.

28
29 Councilmember Floreen,
30 So you--.

31
32 Al Rosdieh,
33 So, therefore you are looking at a period of time that all this has to take place. However,
34 if the decision, final decision is to go with the alternative, then alternative could be to
35 move EMOC right into the Webb Tract and it does not need to wait for any other steps
36 to take place before EMOC moves.

37
38 Councilmember Floreen,
39 Okay. So you are going to provide us though with a schedule of the decision points that
40 you anticipate for these chess pieces, as they were?

41
42 Diane Schwartz-Jones,
43 We are working on a sequencing plan.



January 22, 2008

1 Councilmember Floreen,
2 Okay. So, again, I would ask the Council President to make a note to track that and we
3 ask you to share that with us so we will be able to follow this along. And just a question,
4 George asked, I think, about the Gude Landfill situation and since we were just briefed
5 on the renewable energy element of that and you said now that there should be a
6 conflict, that, the area that you would locate the buses on is the stable part of the land?
7 That is the same land that was identified for the, turning the methane into gas now?

8
9 Al Rosdiah,
10 No. Actually the methane project, turning it into energy, that is the generators, that does
11 not have anything to do with where we site this, with this function. This will be on the, I
12 would say, northwest of the site as shows on the plan. And it actually needs for the site
13 to be stabilized. What they do is they put dirt -- .

14
15 Councilmember Floreen,
16 So that is a part of the landfill that needs work?

17
18 Al Rosdiah,
19 Yes.

20
21 Councilmember Floreen,
22 Okay. And so then you will also, okay. So that part of it you will, would you include in
23 your timeframe of the steps necessary to achieve that.

24
25 Al Rosdiah,
26 Yes.

27
28 Councilmember Floreen,
29 If that is where you are proposing that you go? I don't know what our role is, Mr.
30 President, in addressing these things because the plan is one thing and then the
31 financing part will be relevant. Will this be a CIP Amendment thing?

32
33 Al Rosdiah,
34 Well, not, maybe not necessarily CIP Amendment. It could be, but certainly we have to
35 come back to you with value CIP to make these steps.

36
37 Councilmember Floreen,
38 Okay. Well, if we can work with you to develop a process for our engagement in these
39 steps so we can follow it. I know we have been briefed individually and then the
40 Committees have looked at this but understanding how, you know, how the hipbone is
41 connected to the thighbone here is going be important for us.

42
43 Diane Schwartz-Jones,



January 22, 2008

1 We will work with you on it. The one thing, for example on Gude, that probably would
2 have to be a solid waste plan amendment as it relates to the Gude use, is done by
3 resolutions.

4
5 Councilmember Floreen,
6 Yeah. Sure.

7
8 Diane Schwartz-Jones,
9 So, you know, that kind of thing.

10
11 Councilmember Floreen,
12 Well, just understanding.

13
14 Diane Schwartz-Jones,
15 Yeah.

16
17 Councilmember Floreen,
18 How, you know, everything is related to everything else is important.

19
20 Diane Schwartz-Jones,
21 Right.

22
23 Councilmember Floreen,
24 Particularly when you have got a list of alternatives here that may engender some
25 community feeling. I certainly know the city of Gaithersburg has, and its residents are
26 getting engaged by the moment. And just being clear about where we really are going
27 with this, I think, will be very important. Because when you have alternatives, they are
28 identified as part of the program. And that is good for everybody to understand, but a
29 challenge for folks to track and appreciate how much of a priority one alternative may
30 have over what you think would be your desired line on this stuff. So I would ask that we
31 do it that way and then that would keep us from asking you every other minute about it.
32 Thank you.

33
34 Council President Knapp,
35 Mr. Elrich.

36
37 Councilmember Elrich,
38 I find the plan generally appealing and so I think it is the right direction to try to go in.
39 And I agree with the comments of my colleagues about dispersing the school buses and
40 about, and the issues surrounding the Public Safety Academy and I think we need to do
41 it, to explore more options. But I think that this approach to take a comprehensive look
42 at things and to look in the out years and try to bundle things together and see what
43 opportunities are there is the right direction to be going in. I mean, we historically have
44 done a lot of piecemeal relocations and rent a building here and rent a building there



January 22, 2008

1 and I don't think that that gets us in the long term where we want to be. And I'd like to
2 see us moving toward ownership of property rather than leasing property. And so I
3 encourage you to respond to all the concerns that have been raised but not to be
4 deterred from trying to do this. Because if you do this, I think it's going to have, you
5 know, really important long-term benefits to this County. So I want to see it happen, just
6 happen right.

7
8 Council President Knapp,

9 Okay. Now, I would echo many of the comments you've heard from Councilmembers up
10 here today. Two of the things I think I would like to just comment on. First, a lot of the
11 challenges and elements that you played out in the plan are challenges that justify how
12 these things, why these things should occur. And I do not disagree that these are
13 challenges and most of those facilities have challenges to them but I think there are also
14 a lot of challenges as to what make may it difficult for this process to occur as well. And
15 I think it's going to be important for you to articulate those. And I understand part of this
16 is a political salesmanship type of thing, that we've got to get it out there and we've got
17 to put a good face on it. Practically though, at the end of the day, we're going to have to
18 be able to understand all of the pluses and minuses and so to really go and do a pretty
19 thorough – analysis that you can present back to us looking at the strengths and
20 weaknesses, both in doing it, both in not doing it so we can have a very good
21 conversation. We had a presentation last week of the Public Safety Committee on the
22 implementation of the new code enforcement procedures that the Council approved a
23 year and a half or so ago. And it's about a \$7 million program, I think right around, in
24 that range. Anyway, annually. It was a, probably one of the most thorough presentations
25 I'd ever seen, at least in my five years here, had been undertaken, looking at all of the
26 variables, looking at all the potential cost opportunities, looking at all of it. And through
27 no fault of the implementation process, virtually all of their assumptions did not work the
28 way they had anticipated. And so we are not looking at anything kind of that even
29 reflects I think where they anticipated being a year and a half ago when we approved it.
30 My point in that is, it is a \$7 million annual program that they really knew most of the
31 pieces going into it. When we look at a program the size and scope of this, I mean, you
32 increase your potential for opportunities for things that might not work exponentially.
33 And so I think it is going be very important that we have an amazingly thorough plan as
34 our initial plan and a very thorough analysis of alternatives. Because, this purports to be
35 cost neutral and I've seen kind of the aggregate numbers over what period of time and
36 if, what things don't occur, what does that then do to the cost neutrality especially as
37 we're looking at the significant fiscal issues that we will, in our capital budget this
38 coming year? And then as it relates to the Training Academy, you have heard the Public
39 Safety Committee's concerns. And I still think it is important, and Ms. Praisner had
40 indicated as well, to make sure that we can consolidate those pieces in a way that is
41 functional and practical and if we end up going down a road that moves it from that site
42 to really make sure it is in a central location. For the first, I think we are the only, as I
43 heard in our Public Safety Committee meeting last week, I think we are the only large
44 jurisdiction in the country that is actually seeing an increase in volunteers right now. If



January 22, 2008

1 we make significant changes to our location and placement of those resources, I am
2 pretty sure that we will see a significant downturn in the near future and I think that's
3 very important for us to make sure that we address that the right way. But I, to Mr.
4 Elrich's comments, I appreciate your thinking out of the box and putting a lot of different
5 pieces together because I think it is the right conversation. We are just going to have to
6 take the right steps to make sure that we can do it and do it well. So, but I think you
7 have heard from the Council that we want to be with you every step of the way.

8
9 Diane Schwartz-Jones,
10 We will be pleased to keep you informed.

11
12 Council President Knapp,
13 Thank you very much.

14
15 Al Rosdiah,
16 Thank you.

17
18 Council President Knapp,
19 Okay. With that, we now turn to our final item for the morning, the resolution to approve
20 the FY-08 Budget Savings Plan. It is agenda item number 7. It is in everyone's packets.
21 We had a discussion on this last week in which Councilmembers identified a number of
22 items that they had had concerns with as to what was recommended by the County
23 Executive. If you look at the front page of our memo, we are looking at, the County
24 Executive recommended a reduction in the order of \$23.7 million from County
25 Government, or 23.6, \$10.2 million for Montgomery County Public Schools, \$2 million
26 for the College, \$1.9 million for Maryland National Capital Park and Planning for a total
27 of \$37.8 million in reductions to the current fiscal '08 budget. Councilmembers then, in
28 walking through issues last week, identified a number of elements that there were
29 concerns with, that they would like to see reduced or eliminated from the County
30 Executive's proposed plan. And so what my goal was, is to walk through those
31 elements. I think that there is general agreement amongst Councilmembers that those
32 are generally the right elements. See if anyone has any additions to the list of things
33 that are recommended for elimination from the County Executive's proposal and make
34 that as a singular motion, if that's at all possible. That's my goal. And so what I was
35 going to do was then walk through the items that the Councilmembers identified last
36 week, see if there are any questions to those, and then see if there are any additions or
37 deletions from that list. So if you look on page 2 of our packet, there is a chart in the
38 middle of the table, in the middle of the page, that begins with the Department of Health
39 and Human Services. And the items that Councilmembers had identified were, in that,
40 for HHS, S-24 to reduce the SNH Supportive Housing Rentals Assistance Program or
41 SHRAP and Partnership for Permanent Housing Subsidies for \$265,000, S-29, delay
42 implementation of new FY-08 initiatives of which there is more detail on Circle 17 of the
43 packet as to all of those initiatives, for 574,950, S-32 reduce homecare services for
44 30,000 and S-34 reduce treatment slots available to Avery Road Combined Care for



January 22, 2008

1 50,000. I just wanted to see if there are any additional items in the area of Health and
2 Human Services that Councilmembers had identified? I see no comments on that. Fire
3 and Rescue Service, there is more detail on Circle 23. Those items listed, identified last
4 week were: S-11, delay implementation of Silver Spring Flex Unit for six months for
5 \$178,000, S-14, reduce EMS overtime by transferring EMS resources from Glen Echo
6 in Laytonsville to Gaithersburg and Kensington for \$400,000, S-15, de-staff
7 Germantown Rescue Squad and increase rescue truck staffing by one for \$740,000,
8 and S-16, take Hillendale truck 7-12 out of service for \$995,000. And again, these are
9 what the Council has recommended not including in the County Executive's proposed
10 reduction list. Comments on Fire and Rescue? Councilmember Praisner.

11
12 Councilmember Praisner,

13 I had asked last week for an issue of looking at alternatives to the locations out in the
14 fire stations for possible additional reductions. And as I went back and looked at all of
15 those other reductions at the Fire Department that we hadn't focused on, and also
16 asked for a list and been given a list of all the non-operations personnel centrally
17 located which comes up to \$20 million. I'm not, the concern I have, having been handed
18 to me this morning, in answer to the request that I made when we, as a Council, sat, I
19 find it difficult at this point to identify specific positions when I have not had a chance to
20 go back and forth. However, I do think there are some ways, given my cursory look, to
21 reduce some of the central personnel by redeploying them at the fire station level and
22 rather than make a motion at this point, I would like the Chief to at least respond that he
23 will look at that issue as a piece of the items that we are looking at rather than my
24 identifying a specific central dollar amount. But I do think station-based personnel
25 should be staffed before any central personnel are added. And I also think that we can
26 explore some of the discreet subsets of those central positions to perhaps forego some
27 of them in this point in time, because I think this next budget, this is a, this is the
28 beginning of the wakeup call. This is the first alarm where you put the snooze button on
29 and then wait for the next one. The shoe is going to drop when the next budget comes
30 forward and there are going to be tough choices for everyone and we might as well get
31 a head start on it, not just by lapsing positions, which just postpones the creation of that
32 position in the future. And if there is a hiring freeze and it's a soft freeze, not a hard
33 freeze, we may find some of our actions limited or constrained. Too often I have sat
34 here and wanted to eliminate a new position only to be told that it's, the new position in
35 the budget is actually a position that has been filled already by someone else, by
36 someone already. So I think this is a wakeup call for more creative restructuring and an
37 examination of all positions, not just those that are vacant, for how we might do things
38 differently. I also think we have to get back to our base budget and accountability where
39 there are specific outcome measures for these positions. So, I will not make a motion.
40 Chief Carr is nodding at me. So I am hoping that he will at least rigorously explore that. I
41 have no intentions at this point of supporting the reduction at the station level given the
42 traffic and congestion and the issues that we face. So I have no motion, Mr. President,
43 on this item.



January 22, 2008

1 Joe Beach

2 Can I ask, Ms. Praisner, is that for both FY-08 and FY-09 to look at that redeployment,
3 or just F --.

4
5 Councilmember Praisner,

6 Yes. Okay. Just wanted to clarify that.

7
8 Council President Knapp,

9 The record will note head nodding. Okay. Councilmember Andrews.

10
11 Councilmember Andrews,

12 Thank you. Very briefly. I want to just observe that the four actions the Council is about
13 to take on Fire and Rescue reflect the Council's value that emergency response time is
14 one of the most important things that County Government does, if not the most
15 important. So, while we are going have to make a lot of tough choices this year and this
16 is the first step, and it's part of what needs to be a very comprehensive and balanced
17 approach that looks at all aspects of spending in the County, it does not mean that we
18 are going to cut everything. And one of the areas that the Council clearly has been
19 trying to improve on is emergency response time and the restorations or the imminent
20 decision by the Council not to approve these specific proposed reductions reflects the
21 importance of emergency response time as a core government service here, as it is in
22 almost every other place as well.

23
24 Council President Knapp,

25 Thank you. Councilmember Elrich.

26
27 Councilmember Elrich,

28 And this is just a, ultimately, a quick question for Chief Carr, not to be answered today
29 but, one bit of data that I think would be useful is to know that, has the implementation
30 of four person staffing resulted in any fewer trucks arriving on the scenes? I mean,
31 because the theory was, more people, fewer trucks, more efficient. So I would like to
32 know whether, in fact, we are sending fewer trucks to the scene.

33
34 Council President Knapp,

35 Okay. No more comments on Fire and Rescue Service. Under mass transit, Circle 24,
36 we have identified S-13 stop Kids Ride Free effective April 1, 2008 and S-14 freeze Call
37 and Ride Program effective April 1, 2008. And again this is to eliminate those from the
38 County Executive's recommended reduction. I would add one more piece which was
39 brought to my attention, S-15, reduce Ride on Service effective May 4, one route, Route
40 75, to put that on the list to not reduce at this time but to look at that when it comes back
41 forward for the FY-09 budget. Any comments on mass transit? Councilmember Floreen.

42
43 Councilmember Floreen,



January 22, 2008

1 Well, I think we could take S-13 even out of the math because, as I understand it, the
2 County Executive has himself withdrawn that from the mix.

3
4 Council President Knapp,
5 Actually, I've not heard that officially, but is that --.

6
7 Councilmember Floreen,
8 Is that?

9
10 Council President Knapp,
11 I heard there was a report of it on a radio program.

12
13 Councilmember Floreen,
14 We've been told that. We've heard that.

15
16 Joe Beach,
17 Yes. Confirm that. Yes. He has withdrawn that proposal.

18
19 Councilmember Floreen,
20 So, then the math associated with that would be, would apply to.

21
22 Council President Knapp,
23 Okay.

24
25 Councilmember Floreen,
26 Not that it's so--.

27
28 Council President Knapp,
29 So, S-13 is a do-over.

30
31 Councilmember Trachtenberg,
32 It's off the table.

33
34 Council President Knapp,
35 Okay.

36
37 Councilmember Trachtenberg,
38 But we're going to add Route 75.

39
40 Council President Knapp,
41 Yeah. Route 75.

42
43 Councilmember Floreen,



January 22, 2008

1 And I would just say that the whole issue of bus service and fares and things, the
2 County Executive has a fare element that is associated with this if I am not mistaken
3 here. And I, obviously in the course of the budget review, we will look at the whole
4 system.

5
6 Council President Knapp,
7 Right. Okay. No further comments on mass transit. Public Works and Transportation, on
8 Circle 20, S-5, reduce contribution to COG for Potomac Trash Free Treaty for 25,000.
9 Mr. Leventhal.

10
11 Councilmember Leventhal,
12 I mean, I'm willing to support this. It's a very small item. It is worth looking at, I think,
13 some of the dues and obligations that we have to some of these regional organizations.
14 I mean, I've received a few communications about this, no one wants trash in the
15 Potomac. I do think as we look at the FY-09 budget there are a variety of payments that
16 we make for regional initiatives which may or may not achieve a whole heck of a lot. So
17 I am not going to argue over a \$25,000 reduction but it is, I appreciate the thinking that
18 led to this being put on the list and although we are taking it off I do think it is valuable.
19 We need to provide services in Montgomery County. And when we are hit up for funding
20 for larger regional projects, it is certainly reasonable to ask whether the, whether we are
21 getting outcomes that merit the investment. So I am not critical of the administration for
22 putting this on the list, although I am not going to vote to, you know, we will take it off,
23 go ahead.

24
25 Council President Knapp,
26 Councilmember Berliner.

27
28 Councilmember Berliner,
29 And I appreciate Councilmember Leventhal's larger observation that these are things
30 that we ought to look at prospectively. I think what makes this a little different is that
31 these funds were pledged by the County and commitments were made by the
32 organization in light of our pledge. And so a reneging by the County is different than
33 looking prospectively with respect to the nature of our obligations. And so I believe that
34 that is an important distinction that needs to be honored here. And insofar as the
35 President of our Council is the President of COG, I feel we are duty bound to ensure
36 that we honor our commitments to that organization.

37
38 Council President Knapp,
39 Appreciate that. Councilmember Floreen and then Councilmember Praisner.

40
41 Councilmember Floreen,
42 While we're on some of these things, I wanted to add an item to the reduction list.

43
44 Council President Knapp,



January 22, 2008

1 Under DPWT?

2
3 Councilmember Floreen,
4 Well, it's not DPWT.

5
6 Council President Knapp,
7 Okay, let me get through DPWT and then we'll come back for, I'll make a general call
8 for.

9
10 Councilmember Floreen,
11 I share, and I will just say, you know, this isn't our plan.

12
13 Council President Knapp,
14 Right.

15
16 Councilmember Floreen,
17 So we are concurring more or less with, in the absence of having the opportunity for
18 significant conversation about all these points. We are just sort of going along unless
19 something is really over the top for us. But this is not, you know, us saying these are not
20 our priorities, or these are our priorities, these are sort of the ones that have risen to the
21 surface but by no means have we conducted an exhaustive review of all these actions. I
22 think we all agree on that. That's the budget process and that is why it's, you know, we
23 hate to be in a position of picking one little thing over another little thing, although we're
24 going to do it, because it's not a, we haven't had the time to get into the details and ask
25 the questions and talk with the staff and assess things. So I think that's important to
26 understand with this. And I'll get back to my little thing whenever I can.

27
28 Council President Knapp,
29 Okay. We'll check in. Councilmember Praisner.

30
31 Councilmember Praisner,
32 I agree completely with what Councilmember Floreen just said about the review and the
33 fact that it, given the time period it's difficult to identify. That's why FY-09 becomes so
34 critical and that is why my concern about lapse, taking significant money from lapse and
35 then, unless the lapse goes through and no position is filled through the rest of FY-08,
36 and we face FY-09 without a filled position, that, my preference would be to eliminate
37 the position. But if we are at least not going to have them open, then, are going to have
38 them open, then we have an option for eliminating and consolidating and restructuring,
39 otherwise we won't.

40
41 Council President Knapp,
42 Councilmember Leventhal.

43
44 Councilmember Leventhal,



January 22, 2008

1 I don't have anything further on this DPWT item. So I am waiting until your open call for
2 other items.

3
4 Council President Knapp,
5 Okay.

6
7 Councilmember Leventhal,
8 That aren't on this list.

9
10 Council President Knapp,
11 The stampede.

12
13 Councilmember Leventhal,
14 Yes.

15
16 Council President Knapp,
17 Okay. That is all that we had raised, that Councilmembers had raised on the list during
18 the past week. One other issue had come up, which is in the area of the Housing
19 Opportunities Commission, reduce services in the youth programs by 20,000, and I was
20 going to add that to the list of items not to be reduced. Okay. Councilmember Praisner.

21
22 Councilmember Praisner,
23 Not on that.

24
25 Council President Knapp,
26 Okay. Okay. So, without objection, we will add that one to the list. And that is all I had
27 as far as the list for motion. Now Councilmember Praisner, or Councilmember
28 Leventhal, then Councilmember Praisner and then anyone else who may have
29 additions.

30
31 Councilmember Leventhal,
32 Okay. Well, yeah, Nancy and I both, I guess, had heard about this HOC Summer Camp
33 issue, which is a really meritorious program.

34
35 Council President Knapp,
36 Right.

37
38 Councilmember Leventhal,
39 And so let me just take my moment here to thank the Council President. I just really
40 congratulate you. I think you've handled this in an extraordinarily collegial and
41 communicative way in a very short timeframe. We heard a lot from you over the
42 holidays about this. You have taken our input, you've taken it very seriously, we are
43 whittling down a 26 point something million-dollar proposal to a 22 point something
44 million-dollar proposal. We are still making painful cuts, but I just sort of, in your initial



January 22, 2008

1 outing on a really controversial issue as Council President, I just really appreciated
2 hearing from you so often and the way that you conferred with all of us and worked with
3 all of us and as we prepare to make \$22 million in cuts to the FY-08 budget, I note that
4 the school system is making something like \$10 million in cuts, even though the size of
5 County government is, you know, well, and of course, Park and Planning is a whole
6 different issue. So out of, so we are contributing a great deal more out of some very
7 important services and my hope is that when we get to, we do not know what FY-09 is
8 going to look like and maybe it won't be as bad as some forecasts or maybe it will be
9 even worse. But let us hope that all of us, including the school system, are partners in
10 facing up to this difficult challenge.

11
12 Council President Knapp,
13 Thank you. Thank you very much for your comments. Councilmember Praisner.

14
15 Councilmember Praisner,
16 Well, I did want to talk about Park and Planning Commission because I thought we got
17 an excellent letter and we have just been handed an additional supplementary
18 information from Chairman Hanson. The point that he made last week and that they
19 have made over all in their comments is the fact that – .

20
21 Council President Knapp,
22 Some of us have gotten it.

23
24 Councilmember Praisner,
25 Oh.

26
27 Unidentified
28 Some of us didn't even know it was here.

29
30 Councilmember Praisner,
31 Is the fact that we have told them, even though we made some reductions already in the
32 budget that we adopted, that because of concerns about institutional issues associated
33 with hiring, if nothing else, that we would welcome and would look favorably, from a
34 standpoint of encouraging the transmittal, we would look at them obviously, and are not
35 automatically saying we would fund them, but that we would look favorably if they
36 overcame their hiring challenge and required a supplemental from us. So, this memo
37 basically speaks to our saying, send us a supplemental if you aggressively hire, and
38 while at the other hand, making a 2% reduction in the existing budget. And I have some
39 concerns about the specific identification of a couple of items which the Chairman of the
40 Commission has identified. And I think we can still say that if you need a supplemental,
41 send it to us and we will look at the conditions at that point in time. But in the context of
42 the comments that I made to the Fire Chief, which is this is a time for rigorously looking
43 at the functions people perform, the way we do business, and the possibilities that all of
44 us, including community and employees, can think a little more creatively about how we



January 22, 2008

1 are structured, whatever the entity is, and I would suggest that is true for MCPS as well
2 as, and the College, as well as the agencies that we've spent more time on, namely
3 County Government and now, I hope a little on Park and Planning. I am concerned,
4 there is no dollar amount associated with it, Royce, and if you can provide it, there are
5 two items, we have not seen White Flint phase one, so I am not prepared at this point to
6 discuss White Flint phase two. We also haven't any, associated with Battery Lane, and I
7 am okay with the public information counter being closed for part of the time and the
8 freeze. But I am concerned about two things on this item. And they are: completion of
9 the zoning ordinance revision work by one year. It is maybe five or six years overdue in
10 that the Council has continued and given personnel changes beyond, and before you
11 were at the table, Royce. We have continued to talk about the zoning ordinance revision
12 and I am not interested in delaying it any further. I think this Council must make
13 aggressive progress on the zoning ordinance in its cycle as a Council. So what is the
14 dollar amount associated with the zoning ordinance revision?
15

16 Gwen Wright,

17 I can probably help address that. I'm Gwen Wright, acting Planning Director. We would
18 need to not spend some of the \$250,000 in consulting dollars that was allocated for
19 fiscal year '08, again, if we are required to do a 2% cut, plus we receive no
20 supplemental. If it is a 2% cut only, and we still have the opportunity for some
21 supplemental, these cuts probably aren't going to be necessary. We could absorb just
22 2%. But, if it is the 2% plus no supplemental, and it gets to a 4 to 5% cut, the reality is
23 we have filled so many positions that the only money left to give back is consulting
24 dollars.
25

26 Councilmember Praisner,
27 Okay. Well, --.

28
29 Gwen Wright,
30 And the biggest.

31
32 Councilmember Praisner,
33 Okay.

34
35 Royce Hanson,
36 That's the biggest.

37
38 Councilmember Praisner,
39 Alright. I understand that. And I have my own views about consultants which others may
40 or may not share, but, I do recognize that there is some work that is better to be done,
41 so you are, by someone else that you do not have on the payroll on a regular basis. I
42 don't know how I am going to respond to the supplemental request, and it is going to
43 depend upon what it is for and what information is associated, but I am not opposed to
44 looking at that issue.



January 22, 2008

Royce Hanson,
That's basically --.

Councilmember Praisner,
With that context, these cuts, these identified challenges are, my response is a little less from a standpoint of making a motion to restore the funds for them if we have this other bite at the apple for some of this. Let me just highlight the two that concern me the most. That is the zoning ordinance revision, which I have waxed on already enough. The second is delaying the Wheaton CBD and Kensington University Boulevard planning work by at least six months. The PHED Committee is going to have a discussion on a zoning text amendment that I believe would not be here if we had not moved more aggressively on Wheaton and my goal is to have us moving aggressively and doing master plans and revisions in a more accelerated fashion so the PHED Committee doesn't have so many zoning texts.

Royce Hanson,
We share that view on both of those matters. Neither of these are things that we have any interest in delaying or not doing. If you will recall, when you first talked to me about becoming Chairman, revision of the zoning ordinance was one of the primary things that I mentioned to you that I thought needed to be done and needed to be done promptly.

Councilmember Praisner,
Okay. I hesitate, with that information, to say any more less these become Washington monuments as far as proposed items later on. But I would just say that those two are critical because they are late already, not something enhanced, and one might comment that Battery Lane planning is also.

Royce Hanson,
Right.

Councilmember Praisner,
Critical given the BRAC conversation we had this morning and affordable housing. Maybe those three are ones that every effort should be made to keep on target and not to have any delays and just for us to send that message at this point.

Council President Knapp,
Councilmember Floreen.

Councilmember Floreen,
Yeah. I have a lot of reaction to this. I just, having seen it this second, I don't know where this has been sitting around since it is dated the 18th. What is, I think it's right of you to come and tell us the situation between the cuts and the supplemental expectations. Because I don't think you're going to get any supplementals. Maybe Ms.



January 22, 2008

1 Praisner's more optimistic. I'm, until we see the rest of the budget, I think it's going to be
2 iffy, so whatever, I think it's right of you to tell us this. What is the effect without
3 supplementals but keeping you where you are?

4
5 Royce Hanson,
6 Well, the effect without supplementals certainly is far less if we do not take the 2% cut
7 also.

8
9 Gwen Wright,
10 Right, if it was just that, we weren't required to take the 2% cut, but we got no
11 supplemental, we would probably be cutting about \$180,000 or so from our support
12 services and consulting dollars, and we would be freezing about four to five positions
13 instead of 11. And what we, again, using our program budgeting, we are looking at
14 these projects in terms of the number of work years, identified with each of the projects
15 that you see here. So I would have to go back and do that calculation but certainly we
16 would not need to delay a number of the things that you see delayed here. It would be,
17 again, about four to five work year's worth of staff time and about \$180,000 in consulting
18 dollars.

19
20 Councilmember Floreen,
21 What is an immediate, I mean the, everybody is under a hiring freeze right now.

22
23 Royce Hanson,
24 Right.

25
26 Councilmember Floreen,
27 So, if that were the main element, what does that translate into in terms of budget
28 issues for you?

29
30 Gwen Wright,
31 Well we are using just a formula, we aren't looking at each and every salary because
32 they average out.

33
34 Councilmember Floreen,
35 Yeah. Is there a dollar amount associated then?

36
37 Gwen Wright,
38 It is about 45,000 for half a year of a person. So.

39
40 Councilmember Floreen,
41 So, is that more or less equivalent to the number I have seen somewhere for you, in
42 terms of reductions?

43
44 Gwen Wright,



January 22, 2008

1 Yeah, the number, again, when we were looking at 890,000 is freezing all of the vacant
2 positions, which are 11, multiply that times \$45,000, gets us to just around \$500,000.
3 Then we had the \$180,000 in cuts that we were going to get to, that was \$680,000. And
4 then the rest was going to have to come from the zoning ordinance rewrite, consulting
5 dollars.

6
7 Councilmember Floreen,
8 So, you are looking at a piece of paper. Which piece of paper?

9
10 Gwen Wright,
11 No, I am telling you this from my head. I did not do the multiplication in any piece of
12 paper that we gave.

13
14 Councilmember Floreen,
15 It is hard to deal with this on the fly.

16
17 Gwen Wright,
18 Yeah. This information was sent out on Friday. I am sorry it didn't get distributed to you.

19
20 Councilmember Floreen,
21 Right. I am just looking.

22
23 Royce Hanson,
24 It would be a commensurate approach to Parks as well.

25
26 Councilmember Floreen,
27 So, looking at what you gave us last week, those dollar amounts, they were more than a
28 hiring freeze.

29
30 Royce Hanson,
31 Yes.

32
33 Gwen Wright,
34 Yes.

35
36 Royce Hanson,
37 Basically -- .

38
39 Councilmember Floreen,
40 A midpoint?

41
42 Royce Hanson,
43 I am sorry.



January 22, 2008

1 Councilmember Floreen,
2 Well, I am looking at your memo that we had in our packet.
3
4 Gwen Wright,
5 The January 7th memo?
6
7 Councilmember Floreen,
8 Yeah.
9
10 Royce Hanson,
11 Yeah.
12
13 Councilmember Floreen,
14 Last week, for the Planning Department, a savings of 2% in the approved administration
15 fund budget would equate to 360,000.
16
17 Gwen Wright,
18 Correct.
19
20 Councilmember Floreen,
21 That's 2%, that's the 2% savings of which you would propose to split it through
22 professional services and half of your vacancy.
23
24 Royce Hanson,
25 That's right.
26
27 Councilmember Floreen,
28 And then the other half was from Parks?
29
30 Royce Hanson,
31 Well, the Parks.
32
33 Councilmember Floreen,
34 They have a bigger number, way bigger number.
35
36 Gwen Wright,
37 If you go to the next page.
38
39 Royce Hanson,
40 You've got a much larger number on Parks. You have got about \$1.4 million which
41 would be the 2% for Parks. What we were fundamentally suggesting is an either or.
42
43 Councilmember Floreen,
44 Well, they're --.



January 22, 2008

1
2 Royce Hanson,
3 We can eat the cost of the supplemental estimates that we have, but eating that and the
4 2% on top of it.
5
6 Councilmember Floreen,
7 You couldn't do both.
8
9 Gwen Wright,
10 We can do one or the other.
11
12 Councilmember Floreen,
13 You can do one or the other?
14
15 Royce Hanson,
16 Sure. Not happily but sure.
17
18 Gwen Wright,
19 Without changes to the work program.
20
21 Royce Hanson,
22 Yeah.
23
24 Councilmember Floreen,
25 Parks was not based on a supplemental.
26
27 Royce Hanson,
28 Yes.
29
30 Council President Knapp,
31 It is.
32
33 Gwen Wright,
34 Yes.
35
36 Royce Hanson,
37 Parks is expecting a supplemental as well.
38
39 Gwen Wright,
40 Our is --.
41
42 Councilmember Floreen,
43 Same issue.
44



January 22, 2008

1 Gwen Wright,
2 We have been actively filling vacancies and moving forward as the Council directed and
3 we are anticipating, as expected, to ask for the additional money because we had a 7.5
4 lapse which was.

5
6 Councilmember Floreen,
7 So both of you sent, you sent us this advice, but we are assuming, on the other hand,
8 that the supplementals would be available.

9
10 Council President Knapp,
11 Right. There's certainly one or the other.

12
13 Councilmember Floreen,
14 Right.

15
16 Council President Knapp,
17 Correct.

18
19 Councilmember Floreen,
20 Well, I am kind of reluctant to just say this, but, I mean, my view would be to hold Park
21 and Planning harmless for the base budget but advise them that there will be no
22 supplementals. I mean, that would be my approach to dealing with them. Because
23 otherwise they, it is a larger cut than anybody else based on what we have, you now,
24 told --.

25
26 Royce Hanson,
27 And we believe we can do that. We can handle that.

28
29 Councilmember Floreen,
30 And then they can come back to us and tell them that they can mostly do the work plan.

31
32 Royce Hanson,
33 Right.

34
35 Councilmember Floreen,
36 That adds up though to what?

37
38 Gwen Wright,
39 For Parks it adds up to approximately \$1.9 million.

40
41 Councilmember Floreen,
42 That adds up to, well \$2.2 all together.

43
44 Gwen Wright,



January 22, 2008

1 Altogether, yes.

2
3 Councilmember Floreen,
4 For Parks and Planning.

5
6 Royce Hanson,
7 It would be about 580 for Planning and about 1.9 for Parks, is what our estimate of the
8 supplemental need would be.

9
10 Councilmember Floreen,
11 Well, I would make that motion though then, to propose that for Park and Planning, to
12 leave their budget as approved but not to permit any supplementals.

13
14 Council President Knapp,
15 Is there a second?

16
17 Councilmember Ervin,
18 Second.

19
20 Unidentified
21 I have a question.

22
23 Council President Knapp,
24 We have a couple questions.

25
26 Councilmember Floreen,
27 And I would be the first to agree that I would rather do this in a more extended
28 conversation.

29
30 Council President Knapp,
31 Okay. Councilmember Berliner, then Councilmember Praisner, followed by
32 Councilmember Elrich.

33
34 Councilmember Berliner,
35 This is a new development. Thank you colleague. I was going to observe that I was
36 going to be very sympathetic to your request for a supplemental, that you should not be
37 taking a 4 to 5% hit, that you should only be limited to a 2% hit and my preference
38 would be that you take your 2% hit and that we provide you with the supplemental that
39 you need in order that it only be a 2% hit and that I would work with you with respect to
40 that. But I can't bind this Council for future actions in terms of the supplemental. I can
41 only say that I would work with you with respect to, that would be my objective. And I
42 am, so I am torn. My belief is that we'd be better served by having the 2% actually go in
43 place across the board for everyone and that we treat you as we should treat you in the
44 supplemental process to ensure that that's all that happens. So, I am inclined not to



January 22, 2008

1 support the motion in order that we not exempt anyone from what I believe to be an
2 appropriate reduction across the board as long as, again, we treat you right in the
3 supplemental. But I am open to my colleagues' thoughts with respect to that.

4
5 Council President Knapp,
6 Councilmember Praisner.

7
8 Councilmember Praisner,
9 Well, I understand the goal of trying, a bird in the hand is worth more than the bush that
10 may or may not shake the dollars free from a supplemental but. [laughter]. But my,
11 yeah, it has been my experience in reviewing the Planning Commission's budget that
12 our staff has raised appropriate questions that relate to lapse, but not exclusively to
13 lapse, that relate to the structuring, restructuring, organization and other issues. And I
14 would prefer to have the opportunity, maybe that we are not having on everyone else,
15 but at least it is a beginning. I would prefer to have the opportunity to have the PHED
16 Committee discussion that would come from a supplemental that restoring all the
17 money at this point does not allow you. So that is why I am going to vote against Ms.
18 Floreen's motion.

19
20 Council President Knapp,
21 Councilmember Elrich.

22
23 Councilmember Elrich,
24 I'm not, I'm torn about this, I think I am inclined to support the motion, except that I don't
25 agree with the last wording about we will reject any supplemental. I mean, that seems to
26 me, that ties the hand of the Council. And the Council could accept or reject
27 supplementals as they come forward. They ought to be weighed on the merits. I'm
28 concerned about the 2% cut because I think if the cuts are the core services, I mean,
29 are you going turn your supplemental into simply restoring those things that are cut by
30 2%? I thought the Council and the PHED Committee did a good job in reviewing the
31 Park and Planning budget last time that we were, they would probably agree, we were
32 fairly hard on them and questioned pretty much everything they did and how they did it.
33 And I thought that, you know, we didn't grant them everything and that we also
34 acknowledged that there was a need to try to fill some of these vacancies and if they
35 could get beyond the traditional lapse, we would encourage that. I am frankly looking at
36 60 vacancies and Parks is not, I mean, I translate that into people working in the parks
37 and I see a lot of work not happening. So, I am inclined to do the 2% without language
38 that says that I am banned from approving a supplemental. And I want to see what else
39 is there. But I think the planning function is really critical. I mean, there are areas here
40 which, you know, we intend to do some redevelopment at. And redevelopment done
41 right is a revenue generator. Just in case anybody were to say that I was opposed to all
42 development. There are opportunities here and I don't want to lose the opportunities to
43 get this right but I don't want to continue to go down the path that we're on now of an
44 endless series of ZTAs that passes development. I mean, these communities are going



January 22, 2008

1 to have no form, they're just going to be a bunch of hodge-podge buildings sitting on
2 blocks without any design, without any articulations, because all they have to meet are
3 these kind of minimal standards. So I would rather get us to where we need to go. And I
4 think leaving the 2% in is a step, and I remain open. I wish, I don't know whether to
5 amend Nancy's resolution to remove the ban on approving a supplemental. Would you
6 accept that as a friendly amendment?

7
8 Councilmember Floreen,
9 Sure.

10
11 Councilmember Elrich,
12 Okay. I propose that and --.

13
14 Council President Knapp,
15 Friendly amendment accepted.

16
17 Councilmember Elrich,
18 Okay.

19
20 Council President Knapp,
21 Okay. Councilmember Leventhal.

22
23 Councilmember Leventhal,
24 Well, I'm going to oppose the motion. You know, I acknowledge that we are facing a
25 revenue shortfall and we have to reduce the budget and I think that is real and I think
26 that's serious. We made a judgment here that the very neediest people ought to have
27 their services protected and that response time on Fire and Rescue ought not to be
28 delayed because we've all gotten the e-mails about, you know, risk of life threatening
29 emergencies and all that and so, I feel alright about adding back millions, literally
30 millions of dollars to protect the very neediest and to make sure that if someone's
31 having a heart attack that the EMTs get there timely. That's about it. I mean, you know, I
32 would love to see the Kensington Master Plan done six months earlier but I just do not
33 put it in the same category and I think we've got to look at the larger picture here. Are
34 we going acknowledge that we have a budget shortfall or are we not? I acknowledge
35 the importance of planning. I acknowledge the importance of having master plans
36 timely. I am frustrated that master plans come out slow. But I just don't put this in the
37 category literally of life or death. So I am going to vote for the cut.

38
39 Council President Knapp,
40 Councilmember Floreen.

41
42 Councilmember Floreen,
43 Well, I guess I'd sort of like to resolve this so I have an alternative proposal. But I do
44 think the challenge is we can't do their budget every couple of weeks which is what the



January 22, 2008

1 supplemental process would require in the absence, with the cuts. And that is what they
2 are going to need. And, you know, we can invite that upon ourselves. But, at least I
3 thought my suggestion would at least give them some predictability in where they want
4 to go, and at least, in my personal harassment of them as to how we get some of these
5 things completed. So, that was my thinking. So let's resolve this and we can move on.

6
7 Council President Knapp,

8 Alright. I am very supportive of what has been put forward on the part of Park and
9 Planning. I think that, unlike in years past, I think we're going to be doing budgets for the
10 next four or five months and I don't think that is a bad thing. And so I am, I was
11 committed to providing Park and Planning with the appropriate supplemental when they
12 needed it in budget. I am still committed to doing so and I think that makes more sense
13 for us to review it in that context so we can make sure we are setting up the right
14 discussion for our budget analysis in the year going forward. And so that would be
15 where I would come down. But I would recognize very clearly that I, we expect you to be
16 coming back and identifying the right pieces and, you know, that the supplemental is not
17 off the table and we have given ourselves the latitude to be able to do that. I think
18 there's \$23 or \$24 million that is allocated for supplementals so far and we've spent a
19 nominal amount of that at this point in time in the year and so we have the maximum
20 flexibility. I think it's important for us to make the right decisions and I think if there is
21 anything that has been lacking in the process that we've undertaken in the last six
22 weeks, it's that we've taken a lot of this out of context and that is a very difficult
23 discussion for us to do. And so I think it's going to be important for us to see the
24 supplemental but I think that there's a commitment to funding a supplemental from Park
25 and Planning for both Parks and Planning. And so, with that, we have a motion before
26 us made by Councilmember Floreen, seconded by Councilmember Elrich to reinstate
27 the 2% reduction that has been proposed by Park and Planning. All in favor of the
28 amendment? Councilmember Elrich, Councilmember Floreen and Councilmember
29 Ervin. All opposed? Councilmember Leventhal, Councilmember Praisner,
30 Councilmember Berliner, Councilmember Andrews, myself, and Councilmember
31 Trachtenberg. The motion is not accepted. So with that, do we have any other motions?

32
33 Councilmember Floreen,

34 Yeah. Okay. My alternative would be to propose that we return to the, take out of this,
35 what is it to take, add to our list of savings plan elements that we find problematic is
36 \$360,140 for the Planning Department.

37
38 Council President Knapp,

39 Is there a second? Motion has been moved by Councilmember Floreen, seconded by
40 Councilmember Elrich to restore \$360,000 to the Planning Board budget. Is there
41 discussion? Seeing no discussion. All in favor of the amendment? Councilmember
42 Elrich, Councilmember Ervin and Councilmember Floreen.

43
44 Councilmember Floreen,



January 22, 2008

1 I tried.

2
3 Council President Knapp,
4 All opposed? Everybody else. The amendment does not carry. Any other motions, any
5 other discussions? Okay. With that, we have one motion before us to adopt the, or to
6 eliminate from the Council, from the County Executive's proposed budget reductions,
7 the list as agreed upon previously by the Council. I guess I need a second for that
8 motion.

9
10 Councilmember Andrews,
11 Second.

12
13 Council President Knapp,
14 Made by myself, seconded by Council Vice-President Andrews. All in favor please
15 signify by raising your right hand. That is unanimous. We now have before us the
16 resolution to approve the FY-08 budget savings plan as amended. All in favor? That is
17 unanimous.

18
19 Councilmember Floreen,
20 Mr. President, I would assume that the numbers that the staff has in this resolution do
21 reflect the Kids Ride Free change from the County Executive.

22
23 Council President Knapp,
24 Right.

25
26 Unidentified
27 Yes.

28
29 Councilmember Floreen,
30 If it does not, could you make that correction?

31
32 Council President Knapp,
33 Right. There are a couple of corrections that will need to be made to this list that we
34 discussed as we went through the process.

35
36 Councilmember Leventhal,
37 Mr. President, just for the purpose of the record, I think that last motion needed to be
38 made also, since it never came to us from Committee.

39
40 Council President Knapp,
41 Okay.

42
43 Councilmember Leventhal,



January 22, 2008

1 So presumably that was, the overall budget savings plan. That was not a Committee
2 recommendation. So I assume that was the Council.

3
4 Council President Knapp,
5 It was a pending resolution before the Council.

6
7 Councilmember Praisner,
8 Yes.

9
10 Councilmember Leventhal,
11 So, we had that a week ago.

12
13 Council President Knapp,
14 Right.

15
16 Councilmember Leventhal,
17 We already had that before us.

18
19 Council President Knapp,
20 Yep. So we did that before. Okay. We have before us one more item which is
21 introduction of agenda item number 8, resolution to amend the FY-08 Transportation
22 Fees, Charges and Fares.

23
24 Councilmember Floreen,
25 So moved.

26
27 Council President Knapp,
28 Is there, moved by Councilmember Floreen, seconded by Councilmember Leventhal.
29 We have public hearing action scheduled for 02-12-08 at 1:30 p.m. Is there, all in favor?
30 That is unanimous. I just, before we, before everyone disappears, I just want to thank
31 Joe Beach and his team and all of our County departments and agencies for their
32 willingness, although not necessarily happiness, in coming forward, recognizing the
33 difficulties that we have in this coming fiscal year and the efforts that everyone has
34 undertaken to identify reductions and I appreciate the efforts so far. This is obviously the
35 beginning of the discussion and there is a lot of information that still needs to come
36 forward during the course of the coming year. But the part I like most, and I think
37 Councilmember Leventhal raised this earlier, is the element of communication. I think
38 we're going to have to continue to talk frequently and very openly and honestly to make
39 sure we get through this together and so I appreciate my colleagues' efforts to reiterate
40 what Councilmember Praisner had said before. I think this is a serious Council
41 discussion as it relates to the budget and I appreciate everyone's efforts so far. And I
42 am sure we will be here for a lot of times over the course of the next five months
43 because I don't think our budget process is going to start in April as usual but I think it's
44 already begun. And so I thank you and look forward to spending a lot of time with you



January 22, 2008

- 1 Joe. Alright. We are in recess until, actually we will begin public hearing at 1:45. We
- 2 have a Results-Based Budgeting discussion downstairs which started 10 minutes ago
- 3 for Councilmembers. Thank you very much. In the 6th floor conference room.

January 22, 2008





January 22, 2008

1 President Knapp,

2 Good afternoon, ladies and gentlemen. This is public hearing on special appropriation to
3 the Maryland National Capital Park and Planning Commission's FY08 Capital Budget,
4 and Amendments to the FY07-12 Capital Improvements Program in the amount of
5 \$4,915,000 for the SilverPlace MRO Headquarters Mixed Use Project. The Planning,
6 Housing and Economic Committee work session is tentatively scheduled for
7 February 4, 2008, at 2:00 p.m. Persons wishing to submit additional comments should
8 do so by the close of business on Friday, January 25, 2008, so that individual views can
9 be included in the material which staff will prepare for Council consideration. Before
10 beginning your presentation, please state your name clearly for the record and spell any
11 unusual names. Our first speaker this morning -- or this afternoon is Royce Hanson,
12 Chair of the Montgomery County Planning Board.

13
14 Royce Hanson,

15 Thank you, Mr. President. Royce Hanson, Chairman of the Montgomery County
16 Planning Board. I have submitted more extensive testimony, but I just want to
17 summarize a few points in this oral testimony. We urge you to take favorable action on
18 the supplemental appropriation request. It has two elements. It provides \$2,950,000 for
19 schematic design for a new commission regional office building. Second, it provides a
20 contingency of a \$1,965,000 for developer cost recovery. We're working on an
21 approach to replace the contingency appropriation with a specific designation of county
22 fund balance for the cost of the recovery contingency, which can be expended only if
23 the public private partnership is terminated prior to the appropriation of construction
24 funds for the headquarters. In that event, the Commission must reimburse our private
25 partner for audited third-party expenses it incurs by designing the private component
26 simultaneously with the public component. It's in the public interest for both aspects of
27 the project to be designed at the same time so that the housing, 30% of which must be
28 affordable, commercial uses, public open spaces, and Commission headquarters, can
29 function as a coherent whole and a premiere example of sustainable development. Let
30 me just make some specific points related to the appropriation. You've got a memo that
31 you probably received this morning from the County Executive indicating his concerns,
32 or indicating that his concerns about the management and financing of the project have
33 been or will be satisfactorily resolved. The changes to the PDF reflecting those solutions
34 will be presented at the PHED Committee work session on the appropriation. The
35 project will be built on approximately 3/4 acres of Commission land and 6/10 acres of
36 parking district land, which will be acquired at its fair market value as determined by
37 appraisals. The decision of the parking district to retain its CBD 2 zoned land that fronts
38 Spring Street renders the illustrative schematic initially opposed by the private partner
39 unachievable. The design process will start from scratch. A charrettes will engage all
40 stake holders in the conceptual design of the project. The only givens of the charrettes
41 are that the project must include a headquarters building of approximately 170,000
42 square feet, provide an urban public park, and 30% of the housing must be affordable.
43 The entire project must meet the standards of the CBD 1 zones optional method of
44 development. That includes our headquarters building; and will be reviewed as a single



January 22, 2008

1 entity. We expect this approach for all public private projects, and we won't exempt our
2 own building from this higher level of public scrutiny and the binding regulatory review
3 than that which is available under a mandatory referral process, for example. This
4 appropriation will lay the groundwork for the first step in that process. The submission of
5 the project planned, together with an estimate of the cost of the public component
6 sufficient to support an appropriation for construction. The cost of construction for the
7 public part, our building, and some of the open space will be partially offset by the sale
8 of land for the private component -- may I finish?

9
10 President Knapp,
11 Please.

12
13 Royce Hanson,
14 To the sale of land for the housing component to the private partner at its fair market
15 value which takes into account the increased affordable housing requirement. If parking
16 is needed for the project, in addition to any provided on site and available in garage 2,
17 the parking district will allow it to be constructed at the project's cost atop the garage
18 with those spaces reserved at no cost to the commission for a substantial period of
19 years. As we have no approved design or transportation management plan for the
20 project, we do not know whether additional parking spaces will be needed or if so, how
21 best to provide them. But we certainly appreciate the willingness of the parking district
22 to make that option available to us. It is explained more fully in the submitted material.

23
24 President Knapp,
25 Royce?

26
27 Royce Hanson,
28 Yeah.

29
30 President Knapp,
31 I'm sure we've got a lot of questions here, and we're going to ask more about this, but
32 do you have anything that's not written that you want to -- ?

33
34 Royce Hanson,
35 Yeah. A couple of things. I don't know. You may be following my oral testimony.

36
37 President Knapp,
38 We were. We can keep reading that.

39
40 Royce Hanson,
41 Okay. If you've got that, then let's go to questions.

42
43 President Knapp,
44 Okay. Good idea. Councilmember Floreen.



January 22, 2008

1
2 Councilmember Floreen,
3 Thank you. Mr. Hanson, if the design process is starting from scratch, why do you need
4 a supplemental appropriation now?

5
6 Royce Hanson,
7 Well, because we can't start any -- .

8
9 Councilmember Floreen,
10 Before you had -- .

11
12 President Knapp,
13 Hold on.

14
15 Councilmember Floreen,
16 But before you had more of a plan, I thought. I know it's certain community points of
17 view and so forth, but now you're going back to the beginning apparently. Is that what
18 you're saying?

19
20 Royce Hanson,
21 We are going to the beginning of the project. Let me explain one thing. The drawings of
22 the schematics that were presented to you us by the proposers (sic) were essentially a
23 demonstration of their creativity and the approach that they would take to development.
24 They are not schematic -- they are not plans that are sufficient to go to the first stage of
25 a review process. So basically what we did when we selected our partner was to select
26 a partner. And part of selecting a partner was making sure that we had a partner that
27 really had good talent available to it, and that they were capable of thinking hard about
28 how to create a particular project. But here we're really trying to move to a schematic
29 design that can be ready to come for a project plan so we can know and everybody else
30 will know what exactly is going to be built.

31
32 Councilmember Floreen,
33 Well, it's more than schematics; isn't it?

34
35 Royce Hanson,
36 Well that's basically what you do at the project plan level.

37
38 Councilmember Floreen,
39 Well, it is when it's the private sector, but for you guys, it's the project that you're going
40 to build.

41
42 Royce Hanson,
43 Yes. It will include -- .



January 22, 2008

1 Councilmember Floreen,
2 And it's not an academic exercise.

3
4 Royce Hanson,
5 No. It is not an academic exercise.

6
7 Councilmember Floreen,
8 But, again, are you really going to spend \$5 million on this in the next couple of months?

9
10 Royce Hanson,
11 No. We're going to spend on the design part of it \$2,950,000, over the next several
12 months.

13
14 Councilmember Floreen,
15 And I -- .

16
17 Royce Hanson,
18 The remainder part of it is the contingency for cost recovery in the event that we do not
19 receive the construction.

20
21 Councilmember Floreen,
22 The County Executive has a point of view on that. Have you seen his memo?

23
24 Royce Hanson,
25 Yes. I've seen his memo.

26
27 Councilmember Floreen,
28 What's your response to that?

29
30 Royce Hanson,
31 Our response is that we're negotiating with our private partner to see if we can reach
32 agreement on using a -- a set aside or a language in the PDF that insures that the cost
33 recovery will be there if needed. But basically we do not expect to have to expend that,
34 but it does involve additional risk for the private partner than would be normal because
35 we're asking them to go ahead and design a part of a project that the, you know, option
36 for them would be to wait until we had designed the headquarters to buy the land from
37 us and then come in under a normal process. We don't think that's the best way to go.
38 We think it's far better to look at this as one entire project that includes the office
39 development, the public space, and the private part of the development, and do that all
40 at one time. Then people know what they're getting.

41
42 Councilmember Floreen,
43 So your view is then that that amount of should be retained?



January 22, 2008

1 Royce Hanson,
2 Yes. Unless we can -- I think there are approaches that the County has used that they
3 have suggested to us. We're talking with our private partner to see if that arrangement
4 can work. We're hopeful that it can.

5
6 Councilmember Floreen,
7 I don't know if our -- whatever staff is working on this, perhaps Kirk could make a note
8 this is something that -- I'd like information on whether this has been employed
9 elsewhere with County projects.

10
11 Royce Hanson,
12 Yes, it has.

13
14 Councilmember Floreen,
15 And perhaps you can share that with us when we look at this again. And this money is
16 at this point -- it's coming from current revenue and fund balance. It's not coming from
17 CIP planning and design -- .

18
19 Royce Hanson,
20 The financing arrangement that we have been discussing with the County Executive,
21 with OMB and with the Revenue Authority is rather complicated, before I explain it
22 maybe I'll ask Dan Hertz -- .

23
24 Councilmember Floreen,
25 You don't have to explain it now. Really, we'll get into it at that point.

26
27 Royce Hanson,
28 Right. You'll get into it at the committee. Yes.

29
30 Councilmember Floreen,
31 All right. Thanks.

32
33 Royce Hanson,
34 And we will be fully prepared at that time. And maybe even I can explain it at that time.

35
36 President Knapp,
37 I'm sure. Councilmember Elrich.

38
39 Councilmember Elrich,
40 You said something about the parking lot from Spring Street, and so I wasn't quite clear
41 what we were talking about.

42
43 Royce Hanson,



January 22, 2008

1 When the project was initially proposed, the -- County Executive Duncan had said, you
2 ought to have the garage in play in this, and people making proposals to you should
3 consider the whole garage property as a part of the development. As it turns out, it just
4 wasn't economical for anybody to redevelop the garage and the rest of the project. But
5 that the land that is in the parking district is in an L shape that wraps around the garage.
6 Some of it is part of the parking lot that adjoins our property. Most of what you see there
7 is not parking lot district land; it is Commission land that was transferred to us by the
8 parking district in exchange for the Silver Spring Armory when Silver Spring
9 redevelopment occurred. But a 30-foot strip of land, roughly 30 feet wide, adjoining the
10 garage still belongs to the parking district, and the land between the opening of the
11 garage -- the front of the garage and Spring Street belongs to the parking district. Now,
12 the garage and that land fronting Spring Street is in the CBD 2 zone. The land along the
13 side of the garage begins the CBD 1 zone, which is the rest of our property as well. We
14 have been negotiating with the parking district for almost exactly a year, and have finally
15 reached an agreement. One of the elements that we had to give up to reach this
16 agreement, and it's understandable, is the parking district did not want to give up the
17 land fronting on Spring Street because if and when they decide to redevelop that
18 garage, they wanted to be sure that they had access and they had that frontage as a
19 part of anything that they would do. So the concept that had initially been proposed by
20 our partner here was to wrap a building around the garage so some of it would have
21 fronted on Spring and the rest of it would have been along the side. That just won't be
22 possible with this arrangement.

23
24 Councilmember Elrich,
25 Okay.

26
27 Royce Hanson,
28 We will lose -- we will lose some density and we will loss conceivably some affordable
29 units because of that -- because the overall density that's possible on the site
30 determines the number of affordable units that will be produced.

31
32 President Knapp,
33 Okay. I see no more questions. Thank you very much for your answers. And it sounds
34 like it will be a good PHED Committee discussion.

35
36 Royce Hanson,
37 There's one other thing I would like to mention, and that is the Executive's comment
38 about some sort of independent review; and we have no objection to that so long as that
39 independent review is done by you, that it is professionally competent, and that we are
40 not responsible for its management or financing.

41
42 Councilmember Leventhal,
43 When you say by you, you don't mean the County Council.



January 22, 2008

1 Royce Hanson,
2 Yes, I do. Because -- and I think that's what the Executive is recommending.

3
4 Councilmember Leventhal,
5 So you're saying a firm -- Mr. President, may I?

6
7 President Knapp,
8 Mr. Leventhal.

9
10 Councilmember Leventhal,
11 You're saying a firm to be retained by the County Council?

12
13 Royce Hanson,
14 The Executive had recommended a committee.

15
16 Councilmember Leventhal,
17 We need to explore this. The PHED Committee will look at this. I'm not sure what that
18 means.

19
20 Royce Hanson,
21 Yeah.

22
23 President Knapp,
24 Nope.

25
26 Royce Hanson,
27 The only point that I'm making is that if there is any doubt that the Planning Board is not
28 able to handle this in a satisfactory way that we also are not capable of managing a
29 consultant to review what we're doing.

30
31 Councilmember Leventhal,
32 May I, Mr. President? I hope that it's possible to bring down the heat on this particular
33 topic just a little bit, because I do think that it does make some sense both from the
34 standpoint of the project and from the standpoint of questions that will come up from the
35 community that knowledgeable parties take a look at this plan.

36
37 Royce Hanson,
38 We have no objection to that.

39
40 Councilmember Leventhal,
41 I don't think that the Chairman or the Commission should take that personally. I mean, I
42 think that it's reasonable that that should be done. I did not understand that the County
43 Executive and the Chairman had come to an agreement that that should be handled by
44 the County Council. That may make some sense. It surely is not going to be done by



January 22, 2008

1 nine elected officials. So presumably we would have to hire some outside assistance for
2 that. And I understand that will be discussed in the Chairwoman Praisner's committee

3
4 Council President Knapp

5 And I don't know that the Executive and the Chairman necessarily reached an
6 agreement. I just think that -- .

7
8 Royce Hanson,
9 A recent accommodation.

10
11 Councilmember Leventhal,
12 There you go.

13
14 Royce Hanson,
15 And as I said we have no objection to it.

16
17 Councilmember Leventhal,
18 Okay.

19
20 President Knapp,
21 We'll have further conversation about that. Okay. I see no more questions but look
22 forward to the PHED Committee discussion.

23
24 Royce Hanson,
25 Thank you.

26
27 Unidentified,
28 We make the motion here for the next item?

29
30 President Knapp,
31 Pardon?

32
33 Councilmember Praisner,
34 No we're not.

35
36 President Knapp,
37 We're not done.

38
39 Councilmember Praisner,
40 A whole other packet.

41
42 President Knapp,
43 We have five more speakers; Art Frye representing SilverPlace LLC; Joseph Anderson,
44 Woodside Station Homeowner's Association; Barbara Goldberg-Goldman, Affordable



January 22, 2008

1 Housing Conference of Montgomery County; Barbara Ditzler, individual; and William
2 Moore, individual. Please come and join us. I'm assuming you are all here. And Mr. Frye
3 is the first speaker.

4
5 Art Frye,

6 Thank you, Mr. President. My name is Art Frye, I'm with Spaulding & Slye Investments,
7 division of Jones Lang LaSalle Americus. And to my left is Dean Harrison from Harrison
8 Development, and Jeff Kaufman from Bozzuto Development Company. Together we're
9 SilverPlace, LLC, the private partners on the SilverPlace Project with the Commission. I
10 just want to give a little bit of brief history and then touch on a couple of points. One, we
11 were selected as a top ranked development team back in January of 2007 after a very
12 public and a very competitive RFQ and RFP process. We were selected due to, or as
13 Dr. Hanson indicated earlier, due to our ability to achieve the Commission's goals as
14 outlined in the RFP in the most creative fashion. We are very honored and very excited
15 about the opportunity of working with both the commission and the Council in realizing
16 the SilverPlace Project. We are very much in support of the goals established as part of
17 SilverPlace; the construction and development of the new headquarters for the
18 Commission within a mixed-use environment including affordable housing, 30%
19 affordable housing, and an environmentally friendly design. Since January, we have
20 worked closely with the Commission to reach an agreement on how best to achieve the
21 commission's goals. An MOU and understanding between the Commission and
22 SilverPlace, LLC was executed in November, 2007, documenting the agreed upon
23 process, the structure and the timeline for implementation of the SilverPlace Project. We
24 are here today seeking the Council's support for the appropriation of funds necessary in
25 order for us to commence the project, community outreach process and design
26 established as part of that MOU. And ask that the SilverPlace, LLC team play an active
27 role in the ongoing discussions specifically PHED Committee in determining the best
28 financial vehicles for the project. We unfortunately did not have as much advanced
29 notice on the County Executive's letter that came out. We got that late last night. So --
30 but I do want to touch on a couple of things Dr. Hanson did already. I think it's important
31 for the Council to know that the cost recovery -- and I'll touch on the cost recovery first --
32 component was specifically designed to meet our partner, the Commission's goal of
33 expediting this project. It was a mechanism to enable us to go forward collectively in
34 designing a project well in advance of us having any security as to a project ultimately
35 going forward. It's a little bit of a unique thing to this deal. It's partially because of the
36 fact that it's a bifurcated appropriation process. First the design process and then the
37 construction appropriation where most of the county deals its singular appropriation for
38 the entire project, which gives the private developer some assurances that they're going
39 to spend the dollars to advance knowing that at the end there's something to securitize
40 that investment. So this was done specifically as a way to work with our partner's goals
41 and objectives, to advance the project -- the private components of the project, and
42 parallel with the public. We are open to discussing the various different alternatives to
43 that solution. That was one that was very well vetted over the past 12 months working
44 with the Commission and its senior advisers so that we are open to being a part of that.



January 22, 2008

1 We would like to have a seat at the table to participate in that discussion with the
2 County.

3
4 President Knapp,
5 Thank you very much. Mr. Anderson.

6
7 Joseph Anderson,
8 Thank you, Mr. President.

9
10 President Knapp,
11 Turn it -- there you go.

12
13 Joseph Anderson,
14 Thank you, Mr. President. My name is Joe Anderson. And I live at 8812 Woodland Drive
15 in Silver Spring, which is next door to the current MNCPPC headquarters and the
16 proposed SilverPlace site. Speaking on behalf of the 42 households of the Woodside
17 Park Homeowner's Association and the Woodside Station Homeowner's Association,
18 which are the closest neighbors to the proposed development, but also for many others
19 that we've met with and heard from in North Silver Spring, and the testimony -- my
20 testimony consists of a joint letter from the two associations that's been distribute to you
21 all. I would like to just briefly summarize, and we ask that Council appoint a
22 neighborhood adviser committee that will review the commission's development plans
23 for the proposed SilverPlace site and report to the Council on whether the plans meet
24 neighborhood concerns and whether or not we believe they should be approved or
25 disapproved. The reasons for our request are threefold. The Commission faces a stark
26 conflict of interest in developing this project. It is selling most of the SilverPlace site,
27 which it owns and which is the last open space in the area, to private developers in
28 order to help cover the costs of a new headquarters building that, by their estimates, is
29 likely to be the most expensive public building in Montgomery County. In order to
30 receive maximum return on the land they have selected, developers, known as
31 SilverPlace, LLC collectively and commission in an initial plan that would overdevelop
32 the site without regard to their own North and West Silver Spring Master Plan or to the
33 input of the community. The commission has acted largely in secret as far as the
34 community is concerned throughout the lengthy initial development period, which has
35 been going on for several years. They opened the process to the community frankly
36 rather begrudgingly only last February after the initial plans were drawn up. They didn't
37 seek community input. And Mr. Hanson and the commission have quite frankly refused
38 substantive input from the community since then. And now, having acted for their own
39 self-interest, they have forfeited much of the trust and goodwill of the community. The
40 choice of the Bozzuto Company as one of the developer; the company that built the
41 badly designed rows of condominiums by the Wheaton Metro, and that is proposing to
42 build a similar wall along Spring Street, has created special concern and consternation
43 within the community. The community input process that they now propose once
44 Council funding is secured contains no promises that they will actually act on



January 22, 2008

1 community advice or interest. We believe that the charrette process after funding is
2 secured would be simply inadequate. As the immediate neighbors of SilverPlace, we
3 are in favor of developing this site. Right now it's an ugly parking lot. And we certainly
4 don't want to see that continue over the long term, but we want a development that will
5 be in the best interest of the commission, of the companies that are developing it, and of
6 all of Silver Spring. I have not seen the memo from Mr. Leggett that has been referred
7 to here. I was very pleased to see the letter that [inaudible] out on December 5th. And
8 we all firmly agree with the concerns that he expressed at that time. We have tried to
9 work -- may I finish?

10
11 President Knapp,
12 [Inaudible].

13
14 Joseph Anderson,
15 We have tried to work with the commission by attending their meetings, testifying at
16 Park and Planning hearings, writing to Mr. Hanson and others, and sharing our
17 concerns with the local media, which I have to say has been very generous in covering
18 neighborhood response to this. The responses from Mr. Hanson and the commission
19 have been non-accommodating so we are now turning to you. It's, of course, the
20 Council's responsibility to appropriate funds and also to insure that the money is well
21 spent in this very tough fiscal time. Having failed in our efforts to work with the
22 commission, we ask that the County Council -- .

23
24 President Knapp,
25 Okay, wrap it up.

26
27 Joseph Anderson,
28 Appoint a neighborhood adviser committee that reports to it on the development of
29 SilverPlace. Thank you.

30
31 President Knapp,
32 Thank you very much. Ms. Goldberg-Goldman.

33
34 Barbara Goldberg-Goldman,
35 Thank you. Barbara Goldberg-Goldman. I'm here as the Co-Chair of the Affordable
36 Housing Conference of Montgomery County. And as someone who is unquestionably
37 committed to preserving, maintaining and creating affordable housing here in the
38 County, and someone with a very strong planning background, I feel very secure in
39 supporting SilverPlace. I believe it is the punctuation of a very vibrant, exciting and vital
40 community. And I must say that while in my testimony you will see all of the facts and
41 figures that all of us have been talking about over the last many years in terms of the
42 cost of housing today and what it takes for a firefighter or a police officer or a teacher or
43 a school nurse or all of the people in the service industry who serve the people in our
44 community but can't afford to live here, we know what that is. We know what we're



January 22, 2008

1 looking at. SilverPlace, I believe, offers amenities to anyone who would be able to live
2 there; certainly with its proximity to mass transit; certainly with its proximity to
3 commercial development. I would hope that the private sector, the developer, Park and
4 Planning, and the community can all come together because I think it would be very sad
5 to hold a development like this, one that brings so much to a community, a hostage, and
6 I hope this will be a shining example of what private/public partnership can be all about,
7 and that we can come up with some creative ways for financing and creative ways to
8 bring the community in to participating into this process. I will tell you that we at the
9 Affordable Housing Conference specifically have worked with this particular developer.
10 We cannot say enough positive things about what we have seen certainly from
11 affordable housing developments, and an open process working with the communities. I
12 would hope they would continue in that vein. Our experience with Park and Planning
13 has been equally as positive, and I would certainly hope that my optimism that the
14 groups can all come together and get this ball rolling, will come to fruition. Thank you.

15
16 President Knapp,
17 Thank you. Barbara Ditzler?

18
19 Barbara Ditzler,
20 Yes. I'm Barbara Ditzler. I am President of the Woodside Park Civic Association and the
21 associations which are actually part of our association. And Valerie visited, so she
22 knows exactly who we are. It was one year ago almost exactly that our neighborhood of
23 Woodside Park became very concerned about the new building that was going to be
24 taking place, and the accompaniment of the development for SilverPlace. Our
25 neighborhood of 650 homes is directly across the street from this development. When
26 we discovered that the Park and Planning Department was to be both the client and the
27 regulator of the project, and we saw the designs that were chosen at that time, our
28 anxiety about the project was heightened. It's a highly visible gateway project to
29 downtown Silver Springs that directly borders on the established neighborhood. It's
30 crucial that our project be exemplary. And I loved hearing Chairman Hanson say that
31 once again today. We expect buildings of the highest standards. We expect great
32 design that's compatible in scale with its neighbors, and has a high energy efficiency,
33 pedestrian accessibility for all; and let me make a note that this is definitely a pedestrian
34 area that all of us in our neighborhood go through daily in order to go shopping, to the
35 metro, to wherever. This is a real pedestrian access just like the path through the old
36 cow pasture. We expect a green environment, and we hope to preserve as many trees
37 as possible. Above all, we hope that the project needs -- and will be built with outside
38 advisers and regulators. I think about the regulators, and I think about how outside
39 professionals use consultants in advisement in their normal every day. And we should
40 have that to be expected here. A physician who has a health concern will consult with
41 another physician. A lawyer who needs legal representation or advice may seek out
42 another lawyer outside of her firm. A teacher who wants to gain more knowledge will
43 search for another teacher. So too should the Planning Department seek outside advice
44 and approval from the community and an impartial third party. The idea of design



January 22, 2008

1 charrettes that involve the community coupled with clear oversight by a third party is a
2 plan that may cost a bit more in the beginning but ultimately it will lead to an exemplary
3 project that everyone is happy with. It may even ultimately be cost-saving and will
4 evolve with fewer headache-causing modifications. As the County Council, we expect
5 you to insure that the Montgomery County citizens are given the opportunity to help
6 influence the Park and Planning project. In addition, it's important that a conflict of
7 interest is ameliorated through involvement of a third party.

8
9 President Knapp,
10 Thank you very much. Our final speaker is William Moore.

11
12 William Moore,
13 Good afternoon. My name is William Moore. My wife, Judith Dietz and I are residents of
14 Woodside Park and business owners in downtown Silver Spring. We've resided in
15 downtown Silver Spring since 1973. Our home is sited about 200 yards from the
16 proposed SilverPlace development. We're here to strongly oppose this development
17 and the direction that it has taken. While we were initially impressed by the idea of
18 development at SilverPlace, we see the manner in which it is now being pursued as a
19 misguided effort that should be put to rest in its present form. The entire purpose of this
20 project as it now stands appears to be to fund an elaborate new headquarters building
21 for the Park and Planning Commission. To fund this building, the Park and Planning
22 Commission individuals have shown clearly by the flawed and convoluted selection
23 process that they went through in picking the developer to do anything to get this
24 building. They'll sell out us as they need to. Not that many years ago at a meeting of the
25 Woodside Park Civic Association held on the subject of the then proposed Woodside
26 Station Townhouse Development, a representative of Park and Planning spoke
27 vigorously for the importance of the existing Park and Planning headquarters building
28 and parking lot as providing a vital buffer and transition space between the high-rise
29 buildings and downtown and the residents of Woodside. Now, the same Park and
30 Planning Commission has reversed its position 100%. I think in the political world, that's
31 called flip-flopping. They're on a road right now to destroy that transition space, leave a
32 massive dividing wall of high-rise offices for Park and Planning along with new retail
33 space and apartments up against the long-time residences that will cower in its shadow.
34 SilverPlace's new residences and retail spaces will compete with the many existing
35 empty stores and hundreds of new unsold condos and vacant apartments that are now
36 coming online in downtown. Affordable housing is a carrot that's being tossed out as an
37 excuse for developing this site. Less than a month ago, bulldozers destroyed an entire
38 complex of affordable housing in downtown Silver Spring to make way for a massive
39 high-rise condo complex adjacent to SilverPlace. Have the principles of urban
40 architecture changed? I think not. What's changed here is the self-interest of a
41 bureaucracy. Park and Planning is no longer capable of representing the interests of the
42 people, certainly not in this situation. What may really well be needed here is a new
43 commission. One that can and in these times of very uncertain economics, as I'm sure
44 you're all aware today -- may I finish -- scale back its expanding bureaucracy. Design a



January 22, 2008

1 modest and tasteful headquarters building, perhaps one that's an expansion of the
2 existing building, and speak genuinely to the aesthetics and needs of the neighbors,
3 exemplifying the principles that it should most defend, and in fact, should be
4 representing -- the needs of all of us here.

5
6 President Knapp,

7 Thank you very much. There are some questions. Councilmember Leventhal?

8
9 Councilmember Leventhal,

10 Yeah, the last witness just raised a question for me. And it's just a question for staff, if I
11 could get -- and the whole Council I think would benefit. I would like to know what is the
12 residential vacancy rate in the Bethesda -- in the Silver Spring Central Business
13 District? The complaints I hear most are rising rents and shortage of available
14 apartments, not lots of vacant apartments; and I would just like some facts and data on
15 that.

16
17 President Knapp,

18 Thank you. Councilmember Ervin.

19
20 Councilmember Ervin,

21 Thank you. I just want to comment on Barbara's testimony -- Ms. Ditzler. Thank you
22 very much. First of all, I like your approach. And I went to a meeting at the Woodside
23 Civic Association a few months back and listened to the concerns of the neighbors and
24 the neighborhood, which I immediately came back to my office and called Mr. Leggett.
25 And we've had several in-depth conversations about approach. So, you know, I don't
26 want this to turn into, you know, World War III over what happens at that site. I think
27 there is an approach that we can take where everybody will get exactly what they need
28 to get. And so I'm really cognizant of where the neighbors are, and I appreciate you
29 being here. I appreciate your approach. It's always been very measured. You listen very
30 carefully to both sides of every argument here, and I think that that's the kind of
31 approach we're going to have to pursue as we move into the future. And also to Mr.
32 Moore who just testified, I don't believe affordable housing is a carrot. I think affordable
33 housing is a serious issue all over our County. And I just wanted to take that opportunity
34 to say that because I think that we should not lose sight of the fact that that's a goal of
35 this County and it's a goal of the County Council and the administration. So I just didn't
36 want to lose the opportunity. And finally to Mr. Anderson, who I've not had the
37 opportunity to meet; nice to meet you. And so as we move down the road, just know
38 that my door is always open. If you're going to have a civic association meeting, feel
39 free to call my office and invite me because we really are paying very close attention to
40 this. Thank you.

41
42 President Knapp,

43 All right. Councilmember Berliner.



January 22, 2008

1 Councilmember Berliner,
2 Dr. Hanson, I'll direct my comments to you if I could. The conversation we had several
3 months ago, I suggested before listening to this testimony, the possibility of your
4 engaging professional facilitators in order to work with the community separate and
5 apart from the charrette process. And I was curious if you had an opportunity to think
6 more about that possibility, because given the level of mistrust, whether it is justified or
7 not, it is going to get in the way of you achieving the objectives that I know you seek to
8 achieve with respect to this. So I just wanted to raise that with you again as to whether
9 or not you had perceived in light of where things stand at this moment.

10
11 Royce Hanson,
12 We expect to have directing the charrette process -- in fact one of the reasons that we
13 proposed the charrette process and proposed to start basically from scratch is in
14 recognition of the concerns that had been raised about the initial project as well as
15 some of the constraints that I mentioned in my testimony that have subsequently
16 occurred that mean that the project frankly has to be redesigned. It's very difficult to
17 carry on a conversation with somebody about a design when you don't have a design,
18 and you haven't really started that process. The -- the charrette will be conducted --
19 basically led, I believe, by John Torhe, who has extensive experience with the direction
20 of charrettes, is a talented and exceptional designer, and will be assisted by others who
21 are very confident in handling this kind of a process. The charrette is a major way of
22 facilitating the introduction of ideas from a very wide range of participants. These will be
23 open processes. They will include people from the neighboring community, from the
24 Central Business District, from the housing community, from basically anyone else who
25 wants to participate. They will be an intensive process. The objective of which is to see
26 if it is possible to reach a consensus on design that meets the objectives of the project
27 and is complimentary to the business district, and is able to be accepted by and actually
28 liked by its neighbors. We have absolutely no interest in creating a project that people
29 hate. We want a project that people will like, that is compatible with its surroundings,
30 that provides amenities and opportunities that will enhance the site. For goodness
31 sakes, we are preaching across the County the importance of good and sustainable
32 design. It would be awful for us to produce a project that would not be so recognized.
33 And we're not going to do that.

34
35 President Knapp,
36 Does that answer your question?

37
38 Councilmember Berliner,
39 And Mr. Chairman, I have a great deal of confidence that you're not going to do that, but
40 what I am hearing is not everyone shares my confidence, and so I appreciate the efforts
41 you're going to make with respect to the charrette, I do think it will serve you well to
42 have an ongoing dialogue with the community so that they do feel heard throughout this
43 process. And I get that your commitment is to achieve that result. It's been rocky up and



January 22, 2008

1 to this point, and I am hoping that you're about to turn a page with respect to that so that
2 it does get better.

3
4 Royce Hanson,

5 Partly it's been rocky because we haven't had a place to start. We have been -- we went
6 through a very public process of the selection of a partner. Now some of it simply had to
7 be done in closed session, which was not public because we were dealing with financial
8 issues. And those had to be discussed in closed session. We retained very strong help
9 in making the selection. We retained a private consultant for financial matters and for
10 the management of the project. We retained a separate architectural firm to help assess
11 and judge the quality of the submissions that were presented. We have retained RTKL
12 to develop our program of requirements for our building. We have tried throughout the
13 process to engage many of the important governmental entities. The review panel
14 included not only members of our staff but included members of the Executive staff and
15 other agencies in that process as well. We are working with the Executive to work out
16 the financial situations, and I said if the Council feels the utility of a separate review
17 panel or review individual, that's fine. But given the kinds of comments that you've just
18 heard, I don't think it would be wise at all for us to retain or to set up that committee or
19 panel.

20
21 President Knapp,

22 Thank you very much. Councilmember Floreen.

23
24 Councilmember Floreen,

25 Thank you. Royce, I think the challenge with this process for the community and
26 everyone is -- is the number of moving parts, and it's the same for you folks. And I
27 would ask that you give some thought to the kind of process that you employ so that
28 whatever -- if you're going to have a charrette, make sure that all the parties are there
29 so that you don't come out with something that everyone says is great, and then you
30 end up costing out elements and a lot gets changed from the charrette point [inaudible]
31 to find -- .

32
33 Royce Hanson,

34 That I think that's a very good point.

35
36 Councilmember Floreen,

37 That's -- that I think is the key to community support and engagement, and much better
38 for them all to do it than for us to do it, if you ask me. And the challenge with that though
39 is you've got to be in a position to have the real players participating and, you know,
40 maybe going back and running the numbers at night or something so that the
41 community can feel comfortable. And the partners can feel comfortable that what the
42 community is looking at is pretty much what they're going to see at the end of the game.
43 So I ask you to give some thought to how you make -- I think that might be a little
44 different from some of the charrettes out there.



January 22, 2008

1
2 Royce Hanson,
3 Well, it will be different, the charrettes. We're talking about, and we'll have more detail
4 on this when we get into the work session.
5
6 Councilmember Floreen,
7 We don't have to nail it all down now, but I'd like you to give some thought to how this
8 can be maybe a different kind of process that goes further and provides more certainty.
9
10 Royce Hanson,
11 We have been thinking about that.
12
13 Councilmember Floreen,
14 Good.
15
16 Royce Hanson,
17 And the reason we went -- are proposing charrette rather than an advisory committee is
18 just because of the point you made.
19
20 Councilmember Floreen,
21 Yeah.
22
23 Royce Hanson,
24 The difficulty with an advisory committee is that you have a select group of people that
25 we select that participate in the process. If 100% of them come on board at the end of it,
26 then those were not at the committee immediately are suspect or come in at the end
27 and say, well why didn't you -- .
28
29 Councilmember Floreen,
30 Things get changed, yeah.
31
32 President Knapp,
33 Yep.
34
35 Royce Hanson,
36 Do XYZ.
37
38 President Knapp,
39 Okay.
40
41 Councilmember Floreen,
42 So let's talk about that some more later. But that will be good I think.
43
44 President Knapp,



January 22, 2008

1 Thank you all for your testimony. Clearly there's a lot more left to discuss, and clearly
2 everyone will be discussing it with everyone else. So I thank you all very much. And that
3 concludes this public hearing. I have one comment to make. Councilmember
4 Trachtenberg just wanted me to make sure everyone was aware that she was absent
5 from this afternoon's session because she's down testifying in Annapolis, but will be
6 rejoining us this evening for our public hearing. And then our last issue for this afternoon
7 is a proposed closed session to discuss appointment, employment, assignment,
8 promotion, discipline to motion, compensation, removal resignation, performance,
9 evaluation, appointees, employees, or officials over whom has jurisdiction; otherwise
10 known as Maryland Code State Government Article Section 10-508(a)(1)(i)(ii).

11
12 Councilmember Leventhal,
13 Mr. President, under that Section of the Maryland Code that you referenced Section 10-
14 508(a)(1)(2) and (3), I move that Council now go into closed session.

15
16 Councilmember Floreen,
17 Second.

18
19 President Knapp,
20 Is there a second? Moved by Councilmember Leventhal; seconded by Councilmember
21 Floreen. All in favor? That is unanimous. And it will be a very brief closed session
22 because I know we are all running behind for a PHED Committee meeting.

23
24 Councilmember Praisner,
25 I just wanted to announce -- PHED Committee -- .
26
27
28